

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

PATENT INFRINGEMENT AND RACKETEER INFLUENCE & CORRUPT ORGANIZATION (RICO)

Dr. George Pieczenik, Pro Se

Plaintiff

v.

CIVIL ACTION NO:

3:10-cv-02230-JAP-TJB

Abbott Laboratories, Abbott Laboratories, Inc.,)
Allergan USA, Inc., Amgen Inc., Amgen USA, Inc.,)
Antyra, Inc., Astellas Pharma US, Inc., Astrazeneca LP,)
Astrazeneca Pharmaceuticals LP, Aventis, Inc.,)
Aventis Pharmaceuticals Inc., Baxter Diagnostics Inc.)
Bayer Corporation, Bayer Cropscience (New Jersey) Inc.,)
Bayer Healthcare LLC, Bayer Healthcare Pharmaceuticals,)
Inc., Bayer Materials Science LLC, Bayer Pharma Chemicals)
Inc., Bayer Pharmaceuticals Corporation, Biogen Idec Inc.,)
Biogen Idec U.S. Corporation, Boehringer Ingelheim)
Vetmedica, Inc., Boehringer Ingelheimroxe, Inc., Bracco)
Diagnostics, Inc., Canon, U.S.A. Inc., Centocor Ortho)
Biotech Products, L.P., Centocor Ortho Biotech Services,)
Centocor Ortho Biotech, Inc., Corning Incorporated, Daiichi)
Sankyo, Inc., Dainippon Sumitomo Pharma America)
Holdings, Inc. Dainippon Sumitomo Pharma America, Inc.,)
Diversa Chemical Technologies (NJ) Inc., Dyax Corporation,)
E.I. DuPont de Nemours and Company, Forest Laboratories,)
Inc., GE Healthcare Biosciences Corp., GE Healthcare)
Biosciences Bioprocess Corp, GE Healthcare Inc., GE)
Healthcare Strategic Sourcing Corporation, Genzyme)
Corporation, Gilead Sciences, Inc., GlaxoSmithKline LLC)
Howard Hughes Medical Institute, Idexx Reference)
Laboratories, Inc., International Business Machines Corp.,)
Invitrogen Corporation, John Does 1 through 61, Johnson &)
Johnson, Kyowa Hakko Kirin America, Inc., Kyowa Hakko)
Kirin Pharma, Inc., Medarex, Inc., Medimmune LLC,)
Millenium Pharmaceuticals, Inc., Mitsubishi Tanabe Pharma)
America, Inc., Mitsubishi Tanabe Pharma Development)
America, Inc., Mitsubishi Tanabe Pharma Holdings America,)
Inc., Monsanto Ag Products LLC, Monsanto Company)
Novartis Corporation, Novartis Pharmaceutical Corporation,)
Novartis Vaccines and Diagnostics, Inc., Novo Nordisk, Inc.,)
Onyx Pharmaceuticals, Inc., Ortho-McNeil Janssen Scientific)
Affairs, LLC, Ortho-McNeil Pharmaceutical, Inc., Ortho-)
McNeil, Inc., Osi Pharmaceuticals, Inc., PerkinElmer Health)
Sciences, Inc., Pharmacia & Upjohn Company LLC,)
Pharmacia Corporation, Qiagen Incorporated, Sanofi-Aventis)
U.S. Inc., Sanofi-Aventis U.S. LLC, Schering Berlin Inc.,)
Schering Corporation, Schering-Plough Biopharma, Schering-)
Plough International, Inc., Schering-Plough Products, Inc.)
Shionogi Pharma Sales, Inc., Shionogi Pharma, Inc.,)
Shionogi USA Holdings, Inc., Shionogi USA, Inc., Siemens)

AMENDED COMPLAINT

RECEIVED

JUL 27 2010

AT 8:30 _____ M
WILLIAM T. WALSH
CLERK

Corporation, Siemens Diagnostics Finance Co. LLC,)
 Siemens Healthcare Diagnostics Inc., Siemens Medical)
 Solutions USA, Inc., Solvay Chemicals, Inc., Solvay)
 Pharmaceuticals, Inc., Syngenta Crop Protection, Inc.)
 Syngenta Seeds, Inc., Taiho Pharma U.S.A., Inc.,)
 The Dow Agrosiences LLC, The Dow Chemical)
 Company (Delaware), The Dow Corning Corporation,)
 Wyeth Holdings Corporation, Wyeth Pharmaceuticals Inc.,)
 Zymogenetics, Inc., Zymogenetics, LLC.)
 Defendants

COMPLAINT FOR PATENT INFRINGEMENT AND RACKETEER INFLUENCE &
 CORRUPT ORGANIZATION (RICO) AND JURY DEMAND

For its complaint herein, Plaintiff alleges as follows:

THE PARTIES

1. Plaintiff, Dr. George Pieczenik ("Pieczenik") is a New Jersey resident, residing at 129 Kingwood-Locktown Rd, Stockton, N.J. 08559.
2. Upon information and belief, Defendant Abbott Laboratories. is a corporation incorporated under the laws Illinois and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address at 100 Abbott Park Road D367 AP6D, Abbott Park, Il 60064. It has a New Jersey Business ID Number1013750000.
3. Upon information and belief, Defendant Abbott Laboratories. Inc is a corporation incorporated under the laws Delaware and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address at 100 Abbott Park Road, Abbott Park, Il 60064-6057 It has a New Jersey Business ID Number 0100966414.
4. Upon information and belief, Defendant Allergan USA, Inc. is a corporation incorporated under the laws of Delaware and has designated the Corporation Service Company to receive process of service at 830 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address at 2525 Dupont Drive, Irvine, Ca 92612. It has a New Jersey Business ID Number 0100948116.
5. Upon information and belief, Defendant Amgen USA Inc.is a corporation incorporated under the laws of Delaware and has designated The Corporation Service Company to receive process of service at 830 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address at One Amgen Center Dr. Thousand Oak, Ca. 91320. It has a New Jersey Business ID Number:0100863001.
6. Upon information and belief, Defendant Amgen Inc.is a corporation incorporated under the laws of Delaware and has designated The Corporation Service Company to receive process of service at 830 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address at One Amgen Center Dr. Thousand Oak, Ca. 91320. It has a Principal Business Address at 830 Bear Tavern Road, West Trenton, N.J. 08628. It has a New Jersey Business ID Number:0100429195.
7. Upon information and belief, Defendant Antyra, Inc. is a corporation incorporated under the laws of Delaware and has designated designated Dr. Neil I. Goldstein to receive process of service at 40 Talmadge Road, Edison, NJ 0888 and has a Main business address at 40 Talmadge Road, Edison, NJ 0888. It has a NJ business ID 0100816669.
8. Upon information and belief, Defendant Astellas Pharma US, Inc. is a corporation incorporated under the laws of Indiana and has designated the Corporation Service Company to receive process of service at 830 Bear Tavern

Road, West Trenton, NJ 08628. Astellas Pharma, Inc. has a Main business address listed as Three Parkway North, Deerfield, IL 60015. Its NJ Business ID number is 0100943189.

9. Upon information and belief, Defendant AstraZeneca Pharmaceuticals LP is a corporation incorporated under the laws of Delaware and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, NJ 08628. It has a Main business address listed as 1800 Concord Pike, Wilmington, Delaware 19803. Its NJ Business ID number is 0600079369.
10. Upon information and belief, Defendant AstraZeneca LP is a corporation incorporated under the laws of Delaware and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, NJ 08628 and has a Main Business Address at 1800 Concord Pike, Wilmington, Delaware 19803. Its New Jersey Business ID Number is 06000056509.
11. Upon information and belief, Defendant Aventis Pharmaceuticals Inc. is a corporation incorporated under the laws of Delaware and has designated the Corporation Service Company to receive process of service at 830 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main and Principal Business address at 55 Corporate Drive, Bridgewater, New Jersey 08807. Its previous name was Rorer Pharmaceutical Corporation. Its New Jersey Business Id number is: 01000065822.
12. Upon information and belief, Defendant Aventis Inc. is a corporation incorporated under the laws of Delaware and has designated the Corporation Service Company to receive process of service at 830 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address at 3711 Kennett Pike Suite 200. It has a New Jersey Business ID Number: 0100898092.
13. Upon information and belief, Defendant Baxter Diagnostics Inc. is a corporation incorporated under the laws Delaware and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Principal Business Address at 100-120 Raritan Ctr Pkwy, Edison, NJ 08818. It has a New Jersey Business ID Number 0100453383..
14. Upon information and belief, Defendant Bayer Corporation is a corporation incorporated under the laws of Indiana and has designated the Corporation Service Company to receive process of service at 830 Bear Tavern Road, West Trenton, NJ 08628. Bayer Corporation has a principal business address listed as 36 Columbia Rd PO Box 1910, Morristown, NJ 07962. Its NJ Business ID number is 0100348033.
15. Upon information and belief, Defendant Bayer Health Care LLC is a corporation incorporated under the laws of Delaware and has designated the Corporation Service Company to receive process of service at 830 Bear Tavern Road, West Trenton, NJ 08628 and has a principle business address at 36 Columbia Rd, P.O. Box 1910, Morristown, NJ 07962-1910. It has a NJ business ID 0600159736. It lists its officers as Title: Member, Name: Bayer Corporation.
16. Upon information and belief, Defendant Bayer Healthcare Pharmaceuticals Inc. is a corporation incorporated under the laws of Delaware and has designated the Corporation Service Company to receive process of service at 830 Bear Tavern Road, West Trenton, NJ 08628 and has a Main Business Address at 6 West Belt Rd. Wayne, N. J. 07470 and a principal business address at 340 Changebridge Road, Pine Brook, NJ 07058-9714. It's New Jersey Business ID Number is 0100097221.
17. Upon information and belief, Defendant Bayer Cropscience (New Jersey) Inc. is a corporation incorporated under the laws of New York and has designated the Corporation Service Company to receive process of service at business address at 830 Bear Tavern Road, West Trenton, NJ 08628. It has an associated name of Bayer Cropscience, Inc. It has a New Jersey Business Id Number 0100987112.

18. Upon information and belief, Defendant Bayer Pharma Chemicals Inc is a corporation incorporated under the laws of Delaware and has designated the Corporation Service Company to receive process of service at 830 Bear Tavern Rd.. West Trenton, J.J. 08628. It has a main and principal business address at 340 Changebridge Rd. Montville Corporate Center, Pine Brook, J.J. 07058-9714. It has a New Jersey Business ID Number:0100671789.
19. Upon information and belief, Defendant Bayer Materials Science LLC is a corporation incorporated under the laws of Delaware and has designated the Corporation Service Company to receive process of service at 830 Bear Tavern Road, West Trenton, N.J. 08628. It has a main business address at 100 Byaer Road, Building 16, Pittsburgh, PA. 15205. It has a New Jersey Business Id Number: 0600158716.
20. Upon information and belief, Defendant Bayer Pharmaceuticals Corporation is a corporation incorporated under the laws of Delaware and has designated the Corporation Service Company to receive process of service at 830 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address at 400 Morgan Lane, West Haven, CT., 06516. It has a New Jersey Business ID Number: 0100897180.
21. Upon information and belief, Defendant Biogen Idec Inc. is a corporation incorporated under the laws Delaware and has designated the Corporation Service Company to receive process of service at 830 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main and Principal Business Address at 14 Cambridge Center, Cambridge, Ma 02142. It has a New Jersey Business ID Number 0100720736.
22. Upon information and belief, Defendant Biogen Idec U.S. Corporation. is a corporation incorporated under the laws Massachusetts and has designated the Corporation Service Company to receive process of service at 830 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main and Principal Business Address at 14 Cambridge Center, Cambridge, Ma 02142. It has a New Jersey Business ID Number 0100970071.
23. Upon information and belief, Defendant Boehringer IngelheimRoxane, Inc.is a corporation incorporated under the laws of Delaware and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address at P.O Box 16532, 1809 Wilson Road, Columbus, OH 43216. It has a New Jersey Business ID Number: 0100960711.
24. Upon information and belief, Defendant Boehringer Ingelheim Vetmedica, Inc.is a corporation incorporated under the laws of Delaware and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address at 2621 North Belt Highway, St. Joseph, MO 64506-2002. It has a New Jersey Business ID Number: 0100990543.
25. Upon information and belief, Defendant Bracco Diagnostics Inc. is a corporation incorporated under the laws of Delaware and has designated Kathleen Lynch-Drummond, 107 College Road East, Princeton, N.J. 08540. It has a Principal Business Address at 107 College Road East, Princeton, N.J. 08540. It has a New Jersey Business ID Number 0100596174.
26. Upon information and belief, Defendant Canon U.S.A.,Inc.is a corporation incorporated under the laws of New York and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, NJ 08628 and has a principle business address at 100 Jamesburg Rd, Jamesburg, NJ 8831. It has a NJ business ID 0100448406.
27. Upon information and belief, Defendant Centocor Ortho Biotech Products, L.P. is a corporation incorporated under the laws of New Jersey and has designated Ortho Biotech Inc. and Johnson & Johnson to receive process of service

at One J&J Plaza, New Brunswick, New Jersey 08933. It has a Main Business Address at 430 Route 22 East, Bridgewater, New Jersey 08807. It has a New Jersey Business ID Number: 0600075933..

28. Upon information and belief, Defendant Centocor Ortho Biotech Services, LLC is a corporation incorporated under the laws of New Jersey and has designated the Johnson & Johnson to receive process of service at One J&J Plaza, New Brunswick, New Jersey 08933. It has a Main Business Address at at 430 Route 22 East, Bridgewater, New Jersey 08807. It has a New Jersey Business ID Number: 0600187379.
29. Upon information and belief, Defendant Centocor Ortho Biotech, Inc..is a corporation incorporated under the laws of New York and has designated Johnson & Johnson to receive process of service at One J&J Plaza, New Brunswick, New Jersey 08933. It has a Main Business Address at 800/850 Ridgeview Drive, Horsham, PA 19044.. It has a New Jersey Business ID Number 0100997462. It had a previous name Centocor, Inc.
30. Upon information and belief, Defendant The Dow Corning Corporation is a corporation incorporated under the laws of Minnesota and has designated Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address at 2200 Salzburg Rd, Midland MI., 48686 It has a Principal Business Address at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a New Jersey Business ID Number 3527545000.
31. Upon information and belief, Defendant Daiichi Sankyo, Inc.is a corporation incorporated under the laws of Delaware and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main and Principal Business Address at Two Hilton Court, Parsippany, New Jersey 017054. It has an ID Number:0100693643. It had a previous name. Daiichi Sankyo Pharma Development.
32. Upon information and belief, Defendant Dainippon Sumitomo Pharma America Holdings, Inc. is a corporation incorporated under the laws of Delaware and has designated the Corporation Service Company to receive process of service at business address at 830 Bear Tavern Road, West Trenton, NJ 08628. It has a New Jersey Business Id Number 0101002558
33. Upon information and belief, Defendant Dainippon Sumitomo Pharma America, Inc.is a corporation incorporated under the laws of Delaware and has designated Prentice Hall Corp.System to receive process of service at 830 Bear Tavern Rd.. West Trenton, J.J. 08628. It has a main and principal business address at One Bridge Plaza Suite 510, Fort Lee, N.J. 07024. It has a New Jersey Business ID 0100539885.
34. Upon information and belief, Defendant Diversa Chemical Technologies(NJ), Inc. is a corporation incorporated under the laws of New Jersey and has designated R. W. Worthington to receive process of service at 100 Jersey Avenue suite 103A, New Brunswick, N.J. 08901. It has a New Jersey Business ID Number:0100703587.
35. Upon information and belief, Defendant Dyax Corporation is a corporation incorporated under the laws of Delaware and has designated the Corporation Service Company to receive process of service at 830 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address at 300 Technology Square, Cambridge, Ma 02139. It has a New Jersey Business ID Number 0100755835.
36. Upon information and belief, Defendant E.I. Dupont Denemours and Company..is a corporation incorporated under the laws of Delaware and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main and Principal Business Address 1007 Market Street D13039, Wilmington, Delaware 19898. It has a New Jersey Business ID Number:364020100.

37. Upon information and belief, Defendant Forest Laboratories, Inc. is a corporation incorporated under the laws of Delaware and has designated the Corporation Service Company to receive process of service at 830 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address at 909 third Avenue 24th Floor, New York, N.Y. 10022. It has a New Jersey Business ID Number 0100778555.
38. Upon information and belief, Defendant GE Healthcare Biosciences Bioprocess Corp. is a corporation incorporated under the laws of Delaware and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address at 300 Franklin Square Drive, Somerset, New Jersey, 08873. It has a Principal Business Address at 800 Centennial Ave. Piscataway, New Jersey 08855.. It has a New Jersey Business ID Number:0100978401.
39. Upon information and belief, GE Healthcare Strategic Sourcing Corporation is a corporation incorporated under the laws of Vermont and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address at 40 Idx Drive, South Burlington, Vt 05403. It has a New Jersey Business ID Number:0100990090.
40. Upon information and belief, GE Healthcare Inc. is a corporation incorporated under the laws of Delaware and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main and Principal Business Address at 101 Carnegie Center, Princeton, NJ 08540. It has a New Jersey Business ID Number:0100605225. It had a previous name Amersham Health Inc.
41. Upon information and belief, Defendant GE Healthcare Bio-Sciences Corp. is a corporation incorporated under the laws of Delaware and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. Main and Principal Business Address at 101 Carnegie Center, Princeton, NJ 08540. It has a New Jersey Business ID Number 0100737930.
42. Upon information and belief, Defendant Genzyme Corporation is a corporation incorporated under the laws of Massachusetts and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address 500 Kendall Street, Cambridge, Ma 02142.. It has a New Jersey Business ID Number 0100851295.
43. Upon information and belief, Defendant Gilead Sciences, Inc. is a corporation incorporated under the laws of Delaware and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address at 333 Lakeside Drive, Foster City, Ca 94404. It has a New Jersey Business ID Number 0100851520.
44. Upon information and belief, Defendant GlaxoSmithKline LLC. It is a corporation incorporated under the laws of Delaware and has designated the Corporation Service Company to receive process of service at 830 Bear Tavern Road, West Trenton, N.J. 08628. It has a New Jersey Business ID Number:0600352184..
45. Upon information and belief, Defendant Howard Hughes Medical Institute is a corporation incorporated under the laws of Delaware Inc. and has designated the Corporation Service Company to receive process of service at 830 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address at 4000 Jones Bridge Rd., Chevy Chase, Md 20815. It has a New Jersey Business ID Number: 0100389621.
46. Upon information and belief, Defendant Idexx Reference Laboratories, Inc. is a corporation incorporated under the laws of Indiana and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, NJ 08628. It has a Main business address at One Idexx

Drive, Westbrook, ME 04092. It has a Principal business address as 80H Commerce Way, Totawa, New Jersey 07512. Its NJ Business ID number is 0100695714.

47. Upon information and belief, Defendant International Business Machines Corporation is a corporation incorporated under the laws of New York and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Principal Business Address at 170 North Castle Drive, Armonk, NY 10504. It has a New Jersey Business ID Number 4913201000.
48. Upon information and belief, Defendant Invitrogen Corporation is a corporation incorporated under the laws of Delaware and has designated the Corporation Service Company to receive process of service at 830 Bear Tavern Road, West Trenton, N.J. 08628. It has a main business address at 5791 Van Allen Way, Carlsbad, California, 92008. It has a New Jersey Business Id Number: 0100769128..
49. Upon information and belief, Defendant Centocor Ortho Biotech, Inc..is a corporation incorporated under the laws of New York and has designated Johnson & Johnson to receive process of service at One J&J Plaza, New Brunswick, New Jersey 08933. It has a Main Business Address at 800/850 Ridgeview Drive, Horsham, PA 19044.. It has a New Jersey Business ID Number 0100997462. It had a previous name Centocor, Inc..
50. Upon information and belief, Defendant Kyowa Hakko Kirin America, Inc. is a corporation incorporated under the laws of Delaware and has designated the Corporation Service Company to receive process of service at 830 Bear Tavern Road, West Trenton, N.J. 08628. It has a main and principal business address at 212 Carnegie Center, Inc. Suite 101, Princeton, N.J. 08540. It has a New Jersey Business Id Number: 0100861478.
51. Upon information and belief, Defendant Kyowa Hakko Kirin Pharma, Inc. is a corporation incorporated under the laws of New York and has designated the Wataru Muraya to receive process of service at 212 Carnegie Center Suite, 101, Princeton, N.J. 08540. It has a Main Business Address at 212 Carnegie Center Suite, 101, Princeton, N.J. 08540. It has a New Jersey Business ID Number:0100772902.
52. Upon information and belief, Defendant Medarex, Inc.is a corporation incorporated under the laws of New Jersey and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628.to receive process of service. It has a Main Business Adress at 707, Princeton, N.J. 08540. It has a Main and Principal Business Address as 707 StateRoad, Princeton, N.J. 08540. It has a New Jersey Business ID Number:0100343035.
53. Upon information and belief, Defendant Medimmune LLC.is a corporation incorporated under the laws of Delaware and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a New Jersey Business ID Number:0600328676.
54. Upon information and belief, Defendant Millenium Pharmaceuticals, Inc. is a corporation incorporated under the laws of Delaware and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Rd.. West Trenton, J.J. 08628. It has a main and principal business address at 40 Landsdowne St., Cambridge, Mass.02139. It has a New Jersey Business ID Number: 0100871284. It has a Fictitious Name: Millenium The Takeda Oncology Company.
55. Upon information and belief, Defendant Mitsubishi Tanabe Pharma America, Inc.is a corporation incorporated under the laws of New York and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, NJ 08628. It has a New Jersey Business ID Number:0101002650. It had a previous name Mt.Pharma America, Inc.

56. Upon information and belief, Defendant Mitsubishi Tanabe Pharma Holdings America, Inc..is a corporation incorporated under the laws of Delaware and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main and Principal Business Address at Mitsubishi Tanabe Pharma America, 25 Independence Blvd., Warren, N.J. 07059. It has a New Jersey Business ID Number:0100840802. It had a previous name Tanabe Holdings America, Inc.
57. Upon information and belief, Defendant Mitsubishi Tanabe Pharma Development America, Inc..is a corporation incorporated under the laws of Delaware and has designated The CT Corporation to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Principal and Main Business Address at 25 Independence Blvd., Warren, N.J. 07059. It has a New Jersey Business ID Number:100864203. It had a previous name Mitsubishi Pharma America Inc.
58. Upon information and belief, Defendant Monsanto Ag Products LLC is a corporation incorporated under the laws of Delaware and has designated the Corporation Service Company to receive process of service at 830 Bear Tavern Road, West Trenton, N.J. 08628. It has a New Jersey Business ID Number:0600351790.
59. Upon information and belief, Defendant Monsanto Company is a corporation incorporated under the laws of Delaware and has designated the Corporation Service Company to receive process of service at 830 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address at 800 N Lindbergh Blvd, St. Louis, Mo. 63167. It has a New Jersey Business ID Number:0100828976.
60. Upon information and belief, Defendant Novartis Corporation.is a corporation incorporated under the laws of New York and has designated the Prentice Hall Corp. System to receive process of service at 830 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main and Principal Business Address at 1 South Ridgedale Ave., East Hanover, NJ 07936.. It has a New Jersey Business ID Number:291970000. It had a previous name Ciba-Geigy Corporation.
61. Upon information and belief, Defendant Novartis Pharmaceuticals Corporation.is a corporation incorporated under the laws of Delaware and has designated the Corporation Service Company to receive process of service at 830 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main and Principal Business Address at 59 Route 10, East Hanover, NJ 07936.. It has a New Jersey Business ID Number:7896840000. It had a previous name Sandoz Pharmaceuticals Corporation.
62. Upon information and belief, Defendant Novartis Vaccines and Diagnostics, Inc.is a corporation incorporated under the laws of Delaware and has designated The Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Principal Business Address at 350 Massachusetts Ave.,Cambridge Mass. 02138. It has a New Jersey Business ID Number:0100676935. It had a previous name Chiron Corporation.
63. Upon information and belief, Defendant Novo Nordisk, Inc. is a corporation incorporated under the laws of Delaware and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, NJ 08628 and has a Main and Principal Business Address at 100 College Road West, Princeton, New Jersey, 08549. Its New Jersey Business ID Number is 0100441966.
64. Upon information and belief, Defendant Onyx Pharmaceuticals, Inc. is a corporation incorporated under the laws of Delaware and has designated Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main business Address at 2100 Powell Street, Emeryville, CA 94608. It has a New Jersey Business ID Number 01000961018.
65. Upon information and belief, Defendant Ortho-McNeil Pharmaceutical, Inc.is a corporation incorporated under the laws of Delaware and

has designated Johnson & Johnson to receive process of service at 1 Johnson & Johnson Plaza, New Brunswick, N.J. 08933. It has a Main and Principal Business Address at US Route 202, Raritan, New Jersey 08869. It has a New Jersey Business ID Number 0100297720.

66. Upon information and belief, Defendant Ortho-McNeil, Inc. is a corporation incorporated under the laws of New Jersey and has designated Johnson & Johnson to receive process of service at 1 Johnson & Johnson Plaza, New Brunswick, N.J. 08933. It has a Main and Principal Business Address at 1125 Trenton-Harbourton Road, Titusville, New Jersey 08560. It has a New Jersey Business ID Number 0100934753.
67. Upon information and belief, Defendant Ortho-McNeil, Janssen Scientific Affairs, LLC is a corporation incorporated under the laws of New Jersey and has designated Johnson & Johnson to receive process of service at 1 Johnson & Johnson Plaza, New Brunswick, N.J. 08933. It has a Main and Principal Business Address at 1125 Trenton-Harbourton Road, Titusville, New Jersey 08560. It has a New Jersey Business ID Number 0600190591.
68. Upon information and belief, Defendant OSI Pharmaceuticals, Inc. is a corporation incorporated under the laws of Delaware and has designated Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a New Jersey Business ID Number 0101001974. It has a Main Address at 140 East Hanover Avenue, Cedar Knolls, NJ 07927. It has collaborations with Pfizer, Genetech, Roche and Lilly.
69. Upon information and belief, Defendant PerkinElmer Holdings, Inc. is a corporation incorporated under the laws of Massachusetts and has designated Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address at 940 Winter Street, Attn J. Pearl, Waltham, Massachusetts 02451-1457.. It has a New Jersey Business ID Number 0100940296.
70. Upon information and belief, Defendant Pharmacia Corporation is a corporation incorporated under the laws of Delaware and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address at 100 Route 206 North, Peapack, New Jersey. It has a New Jersey Business ID Number: 6215505000. It had the previous name of Monsanto Company.
71. Upon information and belief, Defendant Pharmacia & Upjohn Company LLC is a corporation incorporated under the laws of Delaware and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address at 235 East 42nd Street, New York, N.Y. 10015.. It has a New Jersey Business ID Number: 0600230808.
72. Upon information and belief, Defendant Qiagen Incorporated is a corporation incorporated under the laws of California and has designated the Corporation Service Company to receive process of service at 830 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address at 19300 Germantown Road, Germantown, Md. 20874.. It has a New Jersey Business ID Number 0400158161.
73. Upon information and belief, Defendant Sanofi-Aventis U.S. Inc. is a corporation incorporated under the laws of Delaware and has designated the Corporation Service Company to receive process of service at 830 Bear Tavern Road, West Trenton, N.J. 08628.. It has a Main and Principal Business Address at 55 Corporate Drive, Bridgewater, New Jersey 08807. It has a New Jersey Business ID Number: 0100956176.
74. Upon information and belief, Defendant Sanofi-Aventis U.S. LLC. is a corporation incorporated under the laws of Delaware and has designated the Corporation Service Company to receive process of service at 830 Bear Tavern Road, West Trenton, N.J. 08628.. It has a Main and Principal Business Address at 55

Corporate Drive, Bridgewater, New Jersey 08807. It has a New Jersey Business ID Number:0600257026.

75. Upon information and belief, Defendant Schering Berlin Inc. is a corporation incorporated under the laws of Delaware and has designated Corporation Service Company to receive process of service at 830 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main and Principal Business Address at 340 Changebridge Rd., Pine Brook, N.J. 07058. It has a New Jersey Business ID Number 0100464070.
76. Upon information and belief, Defendant Schering-Plough Products, Inc. is a corporation incorporated under the laws of Delaware and has designated Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main and Principal Business Address at 2000 Galloping Hill road, Kenilworth, NJ 07033.. It has a New Jersey Business ID Number 0100435214.
77. Upon information and belief, Defendant Schering Corporation is a corporation incorporated under the laws of New Jersey and has designated Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main and Principal Business Address at 2000 Galloping Hill road, Kenilworth, NJ 07033.. It has a New Jersey Business ID Number 7954401000.
78. Upon information and belief, Defendant Schering-Plough Biopharma corporation is a corporation incorporated under the laws of Delaware and has designated Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main and Principal Business Address at 2000 Galloping Hill road, Kenilworth, NJ 07033.. It has a New Jersey Business ID Number 0100948793.
79. Upon information and belief, Defendant Schering-Plough International, Inc. is a corporation incorporated under the laws of Delaware and has designated Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main and Principal Business Address at 2000 Galloping Hill road, Kenilworth, NJ 07033.. It has a New Jersey Business ID Number 0100270916.
80. Upon information and belief, Defendant Shionogi USA Holdings, Inc. is a corporation incorporated under the laws of Delaware and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has an ID Number:0101007764. It had a previous name. Daiichi Sankyo Pharma Development.
81. Upon information and belief, Defendant Shionogi USA, Inc..is a corporation incorporated under the laws of Delaware and has designated Tadashi Hara at 100 Campus Drive, Florham Park, New Jersey 07932. It has a Main and Principal Business Address at 100 Campus Drive, Florham Park, New Jersey 07932. It has an ID Number:0100852079.
82. Upon information and belief, Defendant Shionogi Pharma, Inc. is a corporation incorporated under the laws of Delaware and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Numberat 5 concourse Parkway, Suite 1800. Atlanta, Ga 30328. It has an ID Number:0100942866. It had a previous name. First Horizon Pharmaceutical Corporation and Sciele Pharma, Inc..
83. Upon information and belief, Defendant Shionogi Pharma Sales, Inc. is a corporation incorporated under the laws of Delaware and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Numberat 5 Concourse Parkway, Suite 1800. Atlanta, Ga 30328. It has an ID Number:0100966951. It had a previous name. Sciele Pharma Sales, Inc..
84. Upon information and belief, Defendant Siemens Medical Solutions USA, Inc. is a corporation incorporated under the laws of Delaware and

has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Principal Business Address at 170 Wood Ave S., Iselin, NJ 08830. It has a New Jersey Business ID Number:0100179863. It had a previous name Siemens Medical Systems, Inc.

85. Upon information and belief, Defendant Siemens Diagnostics Finance co. LLC is a corporation incorporated under the laws of Delaware and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address at 1717 Deerfield Road, Deerfield, IL 60015-0778.. It has a New Jersey Business ID Number:0600225991. It had a previous name Dade Behring Finance Co. LLC
86. Upon information and belief, Defendant Siemens Healthcare Diagnostics Inc. is a corporation incorporated under the laws of Delaware and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address at 1717 Deerfield Road, Deerfield, IL 60015-0778.. It has a New Jersey Business ID Number 0100989647.
87. Upon information and belief, Defendant Siemens Corporation is a corporation incorporated under the laws of Delaware and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Principal Business Address at 170 Wood Ave S., Iselin, NJ 08830. It has a New Jersey Business ID Number 0100547532.
88. Upon information and belief, Defendant Siemens Medical Solutions USA, Inc. is a corporation incorporated under the laws of Delaware and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Principal Business Address at 170 Wood Ave S., Iselin, NJ 08830. It has a New Jersey Business ID Number 0100179863. It was previously part of Bayer Healthcare's diagnostic division, i.e. Bayer Diagnostics and Diagnostic Products Corporation (DPC).
89. Upon information and belief, Defendant Solvay Chemicals, Inc. is a corporation incorporated under the laws of Delaware and has designated the Corporation Service Company to receive process of service at business address at 830 Bear Tavern Road, West Trenton, NJ 08628. It has a Main Business address at 3333 Richmond Avenue. It has a New Jersey Business Id Number 0100430211.
90. Upon information and belief, Defendant Solvay Pharmaceuticals, Inc. is a corporation incorporated under the laws of Georgia and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Rd., West Trenton, J.J. 08628. It has a main business address at 901 Sawyer Road., Marietta, GA. 30062. It has a New Jersey Business Id Number:0100347070..
91. Upon information and belief, Defendant Syngenta Crop Protection, Inc..is a corporation incorporated under the laws of Delaware and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address at 410 Swing Road, Greensboro, NC 27409.. It has a New Jersey Business ID Number:0100691785. It had a previous name Novartis Crop Protection, Inc.
92. Upon information and belief, Defendant Syngenta Seeds, Inc...is a corporation incorporated under the laws of Delaware and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address at 11055 Wayzata Boulevard.. It has a New Jersey Business ID Number:0100034327. It had a previous name Sansoz Seed Company and Novartis Seeds, Inc.
93. Upon information and belief, Defendant TaihoPharmaU.S.A.,Inc. is a corporation incorporated under the laws of Delaware and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, NJ 08628 and has a Main Business Address at 6 West Belt Rd. Wayne, N. J. 07470 and a principal and main business address at 202 Carnegie

Center, Princeton, NJ 08540. It's New Jersey Business ID Number is 01000886192.

94. Upon information and belief, Defendant The Dow Chemical Company (Delaware) is a corporation incorporated under the laws of Delaware and has designated Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address at 2030 Dow Center, Midland MI 48674. It has a New Jersey Business ID Number 3527501000.

95. Upon information and belief, Defendant The Dow Corning Corporation is a corporation incorporated under the laws of Minnesota and has designated Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address at 2200 Salzburg Rd, Midland MI., 48686. It has a Principal Business Address at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a New Jersey Business ID Number 3527545000.

96. Upon information and belief, Defendant The Dow Agrosciences LLC is a corporation incorporated under the laws of Delaware and has designated Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address at 9330 Zionsville Road, Indianapolis, IN 46268. It has a New Jersey Business ID Number 0600040703.

97. Upon information and belief, Defendant Schering Berlin Inc. is a corporation incorporated under the laws of Delaware and has designated Corporation Service Company to receive process of service at 830 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main and Principal Business Address at 340 Changebridge Rd., Pine Brook, N.J. 07058. It has a New Jersey Business ID Number 0100464070.

98. Upon information and belief, Defendant Wyeth Pharmaceuticals Inc. is a corporation incorporated under the laws of Delaware and has designated Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main Business Address at 500 Arcola Road, Collegeville, PA 19426. It has a New Jersey Business ID Number 0100905030.

99. Upon information and belief, Defendant Wyeth Holdings Corporation is a corporation incorporated under the laws of Delaware and has designated Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, N.J. 08628. It has a Main and Principal Business Address at 5 Giralda Farms, Madison, NJ 07940. It has a New Jersey Business ID Number 1355601000. Its previous associated name was: American Cyanamid Company.

100. Upon information and belief, Defendant Zymogenetics, Inc. is a corporation incorporated under the laws of Washington and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, NJ 08628 and has a Main business address at 1201 Eastlake Ave East, Seattle, Washington, 98102. It has a NJ business ID 0100986205.

101. Upon information and belief, Defendant Zymogenetics, LLC is a corporation incorporated under the laws of Delaware and has designated the Corporation Trust Company to receive process of service at 820 Bear Tavern Road, West Trenton, NJ 08628 and has a Main Business Address at 315 Deaderick St Suite 2700, Nashville, TN 37238-3001. It's New Jersey Business ID Number is 0600314096.

JURISDICTION AND VENUE

102. This action arises under the patent laws of the United States of America and Jurisdiction is founded on Title 28, United States Code § 1331 and 1338 (a). Venue is proper in this Court under Title 28, United States Code § 1391 (c)(d)(e) and 1400(b).

103. On February 2, 1999 the United States Patent Office issued Patent No. 5,866,363 ("the '363 patent") entitled Method and Means for Sorting and

Identifying Biological Information to Plaintiff. This patent grants plaintiff rights to exclude others to make and own intermediate and end products of libraries of displayed peptides, test species and antibodies that interact with these libraries. Plaintiff originally filed his application with the United States Patent office on August 28, 1985. This patent is effective until February 2, 2016.

104. This Court has jurisdiction over this action pursuant to 12 U.S.C. §1819, 18 U.S.C. §1964, and 28 U.S.C. §1349.

105. Venue is proper in this judicial district pursuant to 28 U.S.C. §1391(b)(2) in that the claims stated herein arose in this district.

106.

Scientific and Legal Background to the '363 patent

107. Pieczenik is the owner of the United States Patent No. 5,866,363 ("the '363 Patent"), which discloses and claims a method and means of identifying biological information. A copy of the '363 Patent is attached as Exhibit A.

108. This foreign filing WIPO(87/01374) publication date is March 12, 1987. Therefore, everyone was aware of this invention in 1987, even though the US patent didn't issue til 1999.

109. Whereas, Bruce Merrifield is the father of solid state peptide chemistry and Nobel Laureate describes Plaintiff Pieczenik pioneering invention in the following terms

““Dr. George Pieczenik filed a master combinatorial chemistry patent on August 28, 1985. This WIPO(87/01374) publication date is March 12, 1987. **This filing is prior to any other patent filing and/or publication in this area. I believe it will take precedence over any of the several patents on combinatorial chemistry filed subsequently.**

The patent claims random nucleotide libraries that code for random peptide libraries separately and on display phage. **It also claims random monoclonal and polyclonal libraries and the use of combinations of the two in a matrix to identify molecular surfaces, antibody specificity, lead compounds for drug discover, receptors and antigenic determinants.**

This general field has expanded explosively during the past six years and has created great excitement among academic and industrial chemists and biologists. Several companies have been founded solely for the purpose of developing the synthetic process and exploring the commercial potential of the libraries. It holds great promise for drug discovery in the pharmaceutical industry. I know of no other scientific breakthrough that has a potential of such magnitude.

I have known Dr. Pieczenik since 1972 when he worked in my laboratory at the Rockefeller University and later with Dr. Norton Zinder's laboratory her at Rockefeller. Dr. Pieczenik is a highly intelligent and most imaginative scientist. He has several other "firsts" in a range of disciplines. He has also published some very important papers, for example on on the Origin of Protein Synthesis in 1976 with three major figures in science, Francis Crick, Sidney Brenner and Aaron Klug.

I reiterate that this master patent on combinatorial chemistry is extremely important." Exhibit B

110. The '363 patent has no prior art in terms of previous patents or publications. This qualifies it as a "pioneering patent" in combinatorial chemistry.

111. Whereas, Plaintiff Pieczenik filed an *Amicus Curiae* brief (Exhibit C) in the Supreme Court of the United States in the *Chakrabarty v Diamond* case as the only single inventor. This brief had been cited by the Court in its decision. and it explains that the chemical DNA is "resurrectable" as a viable and variable coding for an organism. Therefore, the metes and bounds of the definition of a recombinant molecule should include the selection procedure for its isolation. This decision states that which is patentable should "include anything under the sun that is made by man" Pioneering patents in this new area therefore have the "glow of the sun"

112. Early Supreme Court decisions gave broad protection to pioneering patents and limited protection to improvement patents. *Evans v Eaton* 20 US 356,

399-407(1822). The doctrine of equivalents was applied broadly to pioneering patents.

113. A modern definition of a pioneering patent is one which “first..disclose(s) a basic operational concept”, an improvement patent is one which issues “in a crowded art.” *Hughes Aircraft v United States* 717 F.2d 1351, 1362 (Fed.Cir. 1983).

114. In *McCormick v. Talbott*, 61 US 402(1857) the Court used an “as a whole” analysis to protect original inventors and an “element by element” analysis for inventors of improvements. This case is important in that it points out that an “improvement” patents cannot use the “doctrine of equivalents” to suppress all other improvements.

115. The Supreme Court created a standard for employing the doctrine of equivalents. The first step was to classify the patent as a pioneering patent or an improvement patent in relation to the prior art. *Westinghouse v Boyden Power Brake Co.* 170 U.S. 537 (1898). Given this criteria, the Pieczenik ‘363 patent is a “pioneering patent” and the other combinatorial patents ie Ladner, Winters, Huse patents, inter alia, are “improvement patents”.

116. In *Roche Palo Alto LLC v Ranbaxy Laboratories Limited* Case Number 3:2006 cv 02003, Judge Wolfson suggests that it is the Plaintiff’s burden to raise the theory of infringement under the doctrine of equivalents. This theory is hereby invoked.

117. Besides several Nobel laureates acknowledging the priority and pioneering aspect of the ‘363 patent and Pieczenik’s invention of combinatorial chemistry, the MRC Laboratory of Molecular Biology in Cambridge, England has recently acknowledged this priority on its official web site. Exhibit D

118. Background on the Science- Clinical Utility of “Biologics”

119. As the ‘363 patent was a pioneering patent, it was very much ahead of its time. The idea that one could make combinatorial libraries of nucleotides, peptides and antibodies was considered just an interesting academic exercise with no clinically useful applications. These products were called “biologics” and one class of these “biologics” is monoclonal antibodies. The conventional wisdom was that only “drugs” are clinically useful and “biologics” which would have to be infused were too complicated to be clinically useful.

120. Imclone changed that whole perspective,. Imclone and Lilly now take a license with Pieczenik on his ‘363 patent. Imclone pioneered the use of Erbitux, as a treatment for various cancers. Now there are many “biologics” to treat various systemic disorders and cancers.

121. Therefore, now the ‘363 patent is a method for creating more precise and specific biologics which can be used clinically. This took 15 years for FDA approval. If the ‘363 patent didn’t take 14 years to issue and then have 17 years after issuance viability this case would be moot. This patent was filed pre-GATT.

122. Plaintiff Pieczenik’s first two patents on single stranded DNA sequencing vectors expired before the genome sequencing project started. These vectors and his patent strategy were extensively used in sequencing the human genome.

123. One concern which Plaintiff had wished to address was a legal definition of the metes and bounds of a “combinatorial library”. At present, the CAFC has not addressed this issue in spite of Plaintiff’s attempts in his filings. A clear definition of the metes and bounds of a combinatorial library, which is similar to but quite different than a Markush group, would simplify patent filings for both the Plaintiff and Defendants in this and many future cases. The closest the CAFC has gotten to defining a combinatorial library rests on the issue of whether the term “having” is open or closed. Historically, “having” was an “open” term much like the term “comprising” being an “open” term versus “consisting” being “closed”. This would allow one to interpret combinatorial libraries having a defined number of

variants to include the carrying sequences. Otherwise, combinatorial claims can be obviated by simply adding one nucleotide or one amino acid. This would defeat the purpose of even trying to claim inventions relating to combinatorial libraries.

124. The '363 patent has a 102(e) priority date of August 28, 1985.
 125. August 28, 1985, one month short of 25 years ago, is a filing date prior that is prior to all other combinatorial chemistry patents and publications.
 126. The '363 patent claims, *inter alia*, combinatorial peptide libraries and combinatorial nucleotide libraries.
 127. New England Peptide ("NEB") takes a license to the '363 patent and sells combinatorial peptide phage display libraries with the caveat that users contact NEB and, thereby, Dr. Pieczenik. This licensing requirement is included in the sales literature. The license started in 2004. Exhibit E states:

Legal

Licenses/Patents/Disclaimers:

Ph.D.[™] is a trademark of New England Biolabs, Inc. This product is sold for research use only and not for resale in any form. Commercial use of this product may require a license. For license information under U.S. Patent No. 5,866,363 please contact the Licensing Office, New England Biolabs, Inc., 240 County Road, Ipswich, MA 01938.

128. New England Peptide has released its sales records to Dr. Pieczenik under subpoena from the SDNY to be used in all litigation relating to the '363 patent. Purchase of the NEB combinatorial peptide phage display libraries is evidence of intent to use these libraries for identifying antibody binding specificities, the "epitope", thereby creating antibody-peptide pairs.
 129. The '363 patent claims the universe of monoclonal antibody-peptide binding pairs, *inter alia*.
 130. Dr. Pieczenik was the inventor of monoclonal antibodies with Ceasar Milstein reducing Dr. Pieczenik's idea to practice at the MRC Laboratory of Molecular Biology, Cambridge, England. Exhibit F. Prof. John Sedat, husband of Elizabeth Blackburn, Nobel Laureate was a witness Exhibit F
 131. yet published. For example, I credit Dr. Pieczenik with the first, public, proposal (at the MRC) for the development of monoclonal antibodies - a technique later developed by others which has been shown to be of paramount importance and likely to be as significant in biology as are DNA recombinant techniques. His theories and explanations on the
 132. The universe of antibodies and antigens is symmetrical and can be calculated from the number of coding elements for immunoglobulins and the number of possible peptides that can be bound by a monoclonal antibody. It is in the magnitude of 20 to the power of the Feigenbaum number (4.66). Exhibit G.
 133. The USPTO lists issued patents and patent applications on its web site i.e. www.uspto.gov. These patents are evidence for the use, manufacture and sale of products and methods described and claimed in the '363 patent.
 134. Exhibit H is a compilation of all the first pages and other pages which show evidence of infringement of work described in patents and patent application by each of the defendants which show infringement of the '363. These compiled patent and patent application publications plus the NEB sales record is strong evidence, without direct discovery, of infringement on the '363 patent.
 135. In specific we shall describe each defendant's relationship to the NEB sales record and its patent and patent application publication record which shows which work which describes monoclonal-peptide (epitope) binding pairs and/or libraries of nucleotides coding for libraries of combinatorial peptides in the range of 3 to 13 amino acids.

136. Claim Count I – Patent Infringement- Abbott

137. Defendant Abbott Laboratories (aka Abbott Laboratories, Abbott Laboratories, Inc) in North Chicago IL, twice purchased in 2001 the E8100 i.e. Ph.D.-7 Phage Display Peptide Library Kit for 270 dollars each..

3M COMPANY	ST PAUL	MIN	USA	2004 E8110	\$	550.00	1
ABBOTT LABORATORIES	NORTH CHICAGO	IL	USA	2001 E8100	\$	270.00	1
ABBOTT LABORATORIES	NORTH CHICAGO	IL	USA	2001 E8110	\$	270.00	1
ALBANY MEDICAL CENTER	ALBANY	NY	USA	2002 E8100	\$	300.00	1
ALTON OCHSNER MEDICAL FOUNDATION	HARRAHAN	LA	USA	2003 E8110	\$	300.00	1

138. Defendant Abbott Laboratories has the following patents which show evidence of its working in the area of monoclonal antibodies, antibody epitopes, combinatorial libraries and phage display libraries. They are

- 1 7,700,739 IL-12/p40 binding proteins
- 2 7,612,181 Dual variable domain immunoglobulin and uses thereof
- 3 7,589,180 Specific binding proteins and uses thereof
- 4 7,588,761 Human antibodies that bind human TNF.alpha.
- 5 7,541,031 Methods for treating rheumatoid arthritis using human antibodies that bind human TNF.alpha.
- 6 7,504,485 Human antibodies that bind human IL-12
- 7 7,491,516 Dual specificity antibodies and methods of making and using
- 8 7,223,394 Human antibodies that bind human TNF.alpha.

140. Exhibit H has a copy of Defendant Abbott Laboratories patent 7,589,180 Specific binding proteins and uses thereof and column 46, lines 50 to 56 show "Reagents Used" as two biotinylated- thirteen amino acid long peptides in a binding assay with monoclonal antibody DH8.3. This use of these reagents read on claim 77 of the '363, inter alia. The Abbot antibody-peptide pair reads as a subset of the population described in Claim 77 of the '363. Claim 77('363): A population of binding pairs comprising: a peptide population of random sequence of from about 4 to about 12 amino acids residues, wherein substantially every member of said peptide population is bound to an antibody.

141. The antibody, Humira, ie Adalimumab was the first fully human monoclonal antibody drug derived from phage display, and was discovered by Cambridge Antibody Technology as D2E7, then further developed by BASF (BASF Pharma) and, ultimately, manufactured and marketed by Abbott Laboratories.

142. Plaintiff claims that royalties of 3 percent on the sale of Humira by Abbott is reasonable and Plaintiff requests that this court issue a temporary injunction on the sale of Humira by Abbott until the issue at bar is mediated.

143. CLAIM COUNT II- RICO Abbott

144. Cambridge Antibody Technologies (CAT) royalties from Abbott is more than 5 percent. This was recently awarded to CAT by the British High Court.

145. Abbott's relationship with BASF, which was part of I.G.Farben, which was never de-nazified by the McCloy commission makes it part of that continuing criminal conspiracy. Germany never having signed a peace treaty with the Allies, in order to avoid reparations for its use of slave labor, on advice from the Allied Commissioner John McCloy. This has left german industries and their collaborators exposed to this courts jurisdiction under the US RICO statutes. Title 18, Part 1, Chapter 96 Racketeer Influenced and Corrupt Organization, Sec. 1961, 1956, 1957, 2421-24.

146. COUNT I- Patent Infringement Allergan

147. Defendant Allergan USA, Inc ("Allergan") has the following patents which show evidence of its working in the area of monoclonal antibodies, antibody epitopes, combinatorial libraries and phage display libraries. They are

148. 1 7,691,587 Determining and reducing immunoresistance to a botulinum toxin therapy using botulinum toxin B peptides
149. 2 7,670,788 Determining and reducing immunoresistance to a Botulinum toxin therapy using Botulinum toxin B peptides

150. 3 7,645,570 Botulinum toxin screening assays
151. 4 7,635,484 BoNT/A peptides and methods of predicting and reducing immunoresistance to botulinum toxin therapy
152. 5 7,598,027 Botulinum toxin screening assays
153. 6 7,531,179 BoNT/A peptides and methods of predicting and reducing immunoresistance to botulinum toxin therapy
154. 7 7,462,699 BoNT/A peptides and methods of predicting and reducing immunoresistance to botulinum toxin therapy
155. 8 7,374,896 GFP-SNAP25 fluorescence release assay for botulinum neurotoxin protease activity
156. 9 7,341,843 Botulinum toxin A peptides and methods of predicting and reducing immunoresistance to botulinum toxin therapy
157. 10 7,320,871 Human prostaglandin FP receptor variants and methods of using same
158. 11 7,198,928 Human COX-1 alternatively spliced variants and methods of using same
159. 12 7,172,764 Rescue agents for treating botulinum toxin intoxications
160. Exhibit H has a copy of Defendant Allergan's patent 7,691,587. "Determining and reducing immunoresistance to a botulinum toxin therapy using botulinum toxin B peptides" first page and page column 101 lines 44 to 54.
- ~~aspects of this embodiment, an anti-BoNT/B antibody can selectively bind a BoNT/B epitope comprising at least five amino acids, at least six amino acids, at least seven amino acids, at least eight amino acids, at least nine amino acids, at least ten amino acids or at least 20 amino acids. In other aspects of this embodiment, an anti-BoNT/B antibody can selectively bind a BoNT/B epitope comprising at most five amino acids, at most six amino acids, at most seven amino acids, at most eight amino acids, at most nine amino acids, at most ten amino acids or at most 20 amino acids.~~
- 161.
162. The anti-BoNT/B antibody binds a BoNT/B epitope of 5 to 7 amino acids, or at least 10. This antibody pair and peptide size (epitope) is in the range of claim 67,69,71,75 and 77, inter alia, in the '363 patent.
163. Plaintiff claims that royalties of 3 percent on the sale of this assay for Botulism toxin by Allergan is reasonable and Plaintiff requests that this court issue a temporary injunction on the sale of Botulism toxin by Allergan until the issue at bar is mediated.
164. Claim Count II- RICO- Allergan
165. Allergan sued the FDA and the Justice Department on First Amendment issues trying to claim that "off-label" use of Botox inhibits Allergan's free speech. (NY Times Oct 3, 2009). This is not really grounds for a RICO count, but it does suggest that Allergan is not generally amenable to reasonable mediation.
166. Claim Count 1- Patent Infringement-Amgen
167. Defendant ., Amgen Inc., Amgen USA, Inc ("Amgen"), purchased in 2001 two kits of E8100 i.e. Ph.D.-7 Phage Display Peptide Library Kit for 300 dollars each, one kit of E8110 i.e. Ph.D.-12 Phage Display Peptide Library Kit, for 300 dollars, and one kit of E8120, i.e. Ph.D.-C7C Phage Display Peptide Library Kit.

168.

- AMGEN INC	NEWBURY PARK	CA	USA	2001 E8100	\$	300.00	1
AMGEN INC	NEWBURY PARK	CA	USA	2001 E8110	\$	300.00	1
AMGEN INC	NEWBURY PARK	CA	USA	2001 E8120	\$	350.00	1
AMGEN INC	NEWBURY PARK	CA	USA	2002 E8100	\$	270.00	1
				2001 E8100	\$	300.00	1

169.

Amgen had several more purchases in 2002

170.

AMGEN INC	NEWBURY PARK	CA	USA	2002 EB110	\$	270.00	1
AMGEN INC	NEWBURY PARK	CA	USA	2002 EB120	\$	315.00	1
ARGONNE NATIONAL LABORATORY	ARGONNE	IL	USA	2002 EB100	\$	240.00	1

On August 16, 2004, Amgen completely acquired Tularik, Inc. Tularik bought Phage Display Peptide Libraries from NEB in 2003.

TULARIK UNIVERSITY	REDFORD	MA	USA	2003 EB110	\$	300.00	1
TULARIK UNIVERSITY	NEW ORLEANS	LA	USA	2003 EB110	\$	265.00	1
TULARIK INC	SOUTH SAN FRANCISCO	CA	USA	2003 EB120	\$	287.50	1
TULARIK INC	SOUTH SAN FRANCISCO	CA	USA	2003 EB110	\$	420.00	2
TWC RESEARCH TWC BIO	SHATIN		HONG KONG	2000 EB110	\$		

145. Defendant Amgen has the following patents which show evidence of its working in the area of monoclonal antibodies, antibody epitopes, combinatorial libraries and phage display libraries. They are

146. 7,736,644 Antibodies directed to the deletion mutants of epidermal growth factor receptor and uses thereof

147. 2 7,728,113 Methods of treating arthritic conditions with antibodies to M-CSF

148. 3 7,728,110 Antibodies to SARS coronavirus

149. 4 7,718,776 Human anti-OPGL neutralizing antibodies as selective OPGL pathway inhibitors

150. 5 7,705,132 Stable polypeptide formulations

151. 6 7,705,130 Antibodies directed to HER-3 and uses thereof

152. 7 7,700,742 Antibodies to insulin-like growth factor I receptor

153. 8 7,662,376 Sitosterolemia susceptibility gene (SSG): compositions and methods of use

154. 9 7,658,924 Angiopoietin-2 specific binding agents

155. 10 7,628,986 Antibodies directed to the deletion mutants of epidermal growth factor receptor and uses thereof

156. 11 7,626,012 Nucleic acid molecules which encode antibodies that bind CD40

157. 12 7,618,633 Antibodies that bind CD40 and methods of treating cancer and enhancing immune responses

158. 13 7,601,818 Human anti-NGF neutralizing antibodies as selective NGF pathway inhibitors

159. 14 7,592,430 Antibodies to M-CSF

160. 15 7,592,429 Sclerostin-binding antibody

161. 16 7,537,762 Human monoclonal antibodies to activin receptor-like kinase-1

162. Exhibit H has a copy of Defendant Amgen's patent 14 7,592,430 "Antibodies to M-CSF" first page and page column 26 lines 44 to 54. The screening method of the phage library described in '430 reads on '363 claims as above, *inter alia*.

163. Plaintiff claims that royalties of 3 percent on the sale of Prolia™ i.e. Denosumab, a monoclonal known as AMG 162 by Amgen and GlaxoSmithKline. This monoclonal binds an epitope on the receptor activator for nuclear factor κ B ligand (RANKL). This ligand is involved in bone re-absorption. The monoclonal inhibits this re-absorption. This royalty is reasonable and Plaintiff requests that this court issue a temporary injunction on the sale of Prolia™ by Amgen and GlaxoSmithKline until the issue at bar is mediated.

164. SmithKlineBeecham has also bought a NEB library for 300 dollars in and around 1997.

165.

SMK540	SMITH KLINE BEECHAM			1	1	300.00	
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166. Amgen willfully infringes on the '363 and, therefore, is liable to triple damages.

167. An email sent to Amgen in 2002 with the response below never received feedback promised. Therefore, one can only assume that Amgen's lawyers were aware of the infringement and hoped it would go away. It hasn't. See a copy of this email:

Subj: ~Pieczenik
Date: 7/10/02 12:22:06 PM Eastern Daylight Time
From: cmatheso@amgen.com
To: GPieczenik@aol.com
CC: joconnor@amgen.com
Sent from the Internet (Details)

Dr. Pieczenik;

I have forwarded your recent emails to our legal department for review. They will review your patents together with some of our scientific staff and will be back in touch with you with their feedback.

Regards,

Christine Matheson
Project Manager, Licensing
Amgen Inc.
One Amgen Center Drive
Thousand Oaks, CA 91320-1799
805.447.1000 x 74515
Direct Dial: 805.447.4515
Fax: 805.499.7573
E-mail: cmatheso@amgen.com

168.
169. Count II- RICO- Amgen
170. The is a pending RICO against Amgen for "off-label" use and self-serving clinical trials for "off-label" use of its recombinant erythropoietin in the United States District Court Central District of California case MDL08-1934 PSG, Judge Philip Guitierrez. Again, one sees this practice of "off-label" use as policy by pharma, as is willful infringement. This requires a wake-up call. Therefore, we request a temporary injunction on the sale of Amgen's erthropoetin products until this patent is mediated.
171. Claim Count 1- Patent Infringement-Antyra and NovoNordisk
172. Antyra Inc., of Edison, N.J., has entered into a global licensing agreement with Novo Nordisk A/S, of Bagsvaerd, Denmark, for insulin growth factor (IGF)-related antagonists for the treatment of cancer and other diseases. Under the agreement, Antyra will obtain exclusive rights to develop and commercialize certain IGF antagonists discovered during an agreement the companies entered in December 2001
173. Defendant Antyra, Inc has the following patents which show evidence of its working in the area of monoclonal antibodies, antibody epitopes, combinatorial libraries and phage display libraries. They are
174. 1 7,173,005 Insulin and IGF-1 receptor agonists and antagonists (assigned to both Antrya and NovoNordisk)
175. 2 7,148,193 Compounds that bind to growth hormone receptor
176. 3 7,056,679 Target specific screening and its use for identifying target binders
177. Exhibit H has a copy of Defendant Antyra's patent 7,056,679 "Target specific screening and its use for identifying target binders" first page and page column 331 Claim1. This claim mimics many of the claims in '363 patent. It is surprising that the patent examiner missed Plaintiff's patent as prior art. Note the use of the phrase "random peptide phage target binder library". The '679 patent reads on the random peptide population claims and the pairing claims ie 77, inter alia in the '363.
178.

What is claimed is:

1. A method of selecting target and target binder pairs comprising:

- (a) preparing a phage comprising a library of biological targets comprising polypeptides encoded by a cDNA library and a distinguishable first selection marker;
- (b) obtaining a peptide target binder library selected from the group consisting of a random peptide phage target binder library and a cDNA library encoding a polypeptide, and a second selection marker, and the first selection marker is different from the second selection marker;
- (c) panning, where the target phage and the target binder phage are mixed in solution and targets and target binders are allowed to mate or form complexed pairs;
- (d) transforming host cells with a mixture of the target phage and target binder phage libraries, wherein the mated or complexed pairs infect the host cells; and selecting for host cells infected by phage that formed complexes of target and target binders based on the selection markers.

i

179.

180. Count II- RICO- Antyra

181. There is no RICO claim against Antyra, Inc. In fact, having visited its modest operation in the Friedman brothers New Brunswick Scientific building, Plaintiff makes no request for royalties or payments. However, Plaintiff suggests to Antyra that those small biotech companies which took licenses on the '363 patent were bought by Lilly. One of the earliest '363 licensees was Imclone; another one was Applied Molecular Evolution. Both are now subsidiaries of Lilly. A modest license on the '363 patent creates extensive value for starting biotechs in terms protecting all "biologics" to be developed.

182. ClaimCount I- Patent Infringement- Astellas

183. Defendant Astellas Pharma US, Inc("Astellas") has the following patents which show evidence of its working in the area of monoclonal antibodies, antibody epitopes, combinatorial libraries and phage display libraries. They are

184. 1 7,662,921 Methods of treating viral disorders

185. 2 7,374,923 Polypeptide

186. 3 7,341,849 Polynucleotides encoding SREB1 receptor

187. 4 7,323,171 Methods of treating skin conditions using inhibitors of the CD2/LFA-3 interaction

188. 5 7,264,935 Potassium-dependent sodium-calcium exchanger

189. 6 7,217,800 Peptide leukotriene receptor

190. 7 7,211,406 Potassium channel

191. 8 7,193,073 Aggrecanase

192. 9 7,186,511 Oxidase

193. 10 7,157,567 Polypeptide

194. 11 7,094,590 Aggrecanase

195. Count II- RICO- Astellas

196. Whereas, Atellas was formed as a merger between Fujisawa Pharmaceutical Co and Yamanouchi Pharmaceutical Company on April 1, 2005 and,

197. Whereas, Yamanouchi Pharmaceutical Company developed Lebararin, a drug to treat frostbite, which was tested on human inmates by Unit 731 and Unit 100 during World War II in the Pacific. The drug was manufactured at the Tokyo and Mukden plants of Yamanouchi Pharmaceutical Company. These human freezing experiments were without informed consent and were on prisoners of war and Chinese civilians; p.43 ("Unit 731-Japan's Secret Biological Warfare in World War II" by Peter Williams and David Wallace, The Free Press, a Division of Macmillan Inc. New York) and,
198. Whereas, Unit 731 was a biological warfare unit, run by Col. Shiro Ishii and over 3,000 physicians and technician, specializing in vivisection of Chinese and American prisoners of war and,
199. Whereas, one witness testified "one time, I saw a technician at Unit 731, a field-grade officer, carrying out tests aimed at combating frostbite. Five White Russian women were used in the test at the time. The technician placed the women's hands into a freezing apparatus and lowered its temperature to minus ten degrees Celsius, then slowly reduced the temperature to minus seventy degrees. The condition of the frostbite was then studied. The result of the test was that the flesh fell from the women's hands, and the bones were exposed. One of the women had given birth in prison, and the baby was also used in a frostbite test. A little later, I went to look into the women's cells, and they were all empty. I assume that they died". An excerpt from p.240-241 "Unit 731 testimony" by Hal Gold, Tuttle Publishing, Tokyo, Vermont, Singapore; and,
200. Therefore, the RICO charges stand against Astellas as the derivative pharmaceutical company supplying frostbite drugs and being a party to the testing of same at Unit 731: and,
201. Whereas, Japan signed a Treaty of Peace (known as the San Francisco Peace Treaty) with the US and Germany (on the advice of John McCloy) did not sign a peace treaty to avoid reparation for slave labor employed; and,
202. Whereas, Col Shiro Ishii was brought to the United States immunized from prosecution by General MacArthur, because of the existence of a formal peace treaty: and, and,
203. Whereas, this Court has the discretion and jurisdiction, much like Judge Shira Scheindlin's jurisdiction order over the German Merck KAG, to maintain these RICO charges against Astellas allowing Plaintiff discovery in Astellas' biological warfare archives.
204. Whereas, my father-in-law was a combat surgeon with the 503rd and jumped into Corregidor, Manila. He and my mother-in-law were part of the Occupation Army of Japan. My brother-in-law was born in Japan. They all spoke well of the Japanese people.
205. Whereas, Agensys, Inc is a subsidiary of Astellas Pharma Inc. and is developing a "pipeline of therapeutic fully human monoclonal antibodies to treat solid tumor cancers"; and,
206. Said library of monoclonals binding their respective epitopes infringe claim 14, 46 and 48 of '363.
207. Whereas, Atellas Pharma .US, Inc patent US 7,662,921 describes isolating an inhibitor of LFA-3/CD2 interaction. They discuss the use of various combinatorial libraries and one preferred embodiment is a compound from a combinatorial library that is less than 1500 Daltons. This puts the compound in the range of 8 to 12 amino acids. The alefacept is designed as antigen-antibody combined as a pair where 1-92-LFA-3 (Antigen) (human) is a fusion protein with immunoglobulin G1 (human hinge CH2-CH3 γ 1-chain). The antibody-antigen pair infringe claims 14, 46 and 48 of '363.
208. Whereas, Astellas PharmaUS, Inc. patent US 7,323,171 discuss the use of combinatorial peptide libraries to isolate an inhibitor of the LFA-3/CD2 interaction for the treatment of psoriasis. The antibody-antigen pair Infringe claims 14, 46 and 48 of '363.

209. Claim Count I- Patent Infringement-AstraZeneca

210. Defendants Astrazeneca,LP. And Astrazeneca Pharmaceuticals LP ("AstraZeneca") subsidiaries Medimmune and Cambridge Antibody Technologies ("CAT")were merged Dec.7,2007.

211. Medimmune purchased NEB libraries in 2001.

MEDIMMUNE INC	GAITHERSBURG	MD	USA	2001 E8100	\$	300.00	1
MEDIMMUNE INC	GAITHERSBURG	MD	USA	2001 E8110	\$	300.00	1
MEDIMMUNE INC	GAITHERSBURG	MD	USA	2001 E8120	\$	700.00	2
MEDINOVA SCIENTIFIC AS	HELLERUP		DENMARK	2000 E8100	\$	201.00	1

212. Defendant AstraZeneca Medimmune has the following patents which show

evidence of its working in the area of monoclonal antibodies, antibody epitopes, combinatorial libraries and phage display libraries. They are

214. 1 7,744,901 Influenza hemagglutinin and neuraminidase variants

2 7,744,887 Human antibodies interacting with HIV gp41

3 7,740,851 Ultra high affinity neutralizing antibodies

4 7,732,377 Methods for producing members of specific binding pairs

5 7,723,270 Methods for producing members of specific binding pairs

6 7,704,497 Molecules with extended half-lives, compositions and uses thereof

7 7,700,735 High potency recombinant antibodies and method for producing them

8 7,662,557 Methods for producing members of specific binding pairs

9 7,659,374 Eph receptor Fc variants with enhanced antibody dependent cell-mediated cytotoxicity activity

10 7,658,921 Molecules with extended half-lives, compositions and uses thereof

11 7,655,763 Neutralizing antibodies against GDF-8 and uses therefor

12 7,635,666 Methods for producing members of specific binding pairs

13 7,635,568 Methods of administering/dosing anti-RSV antibodies for prophylaxis and treatment

14 7,608,260 Stabilized immunoglobulins

15 7,604,799 EphA4 Antibodies

16 7,585,504 High affinity antibodies against HMGB1 and methods of use thereof

17 7,572,904 Nucleic acids encoding respiratory syncytial virus subgroup B strain 9320

18 7,566,458 Influenza hemagglutinin and neuraminidase variants

19 7,553,489 Methods of administering/dosing anti-RSV antibodies for prophylaxis and treatment

20 7,527,800 Influenza hemagglutinin and neuraminidase variants

21 7,521,051 Methods of upmodulating adaptive immune response using anti-PD-1 antibodies

22 7,504,109 Influenza hemagglutinin and neuraminidase variants

23 7,488,802 Antibodies against PD-1

24 7,459,162 Influenza hemagglutinin and neuraminidase variants

25 7,425,618 Stabilized anti-respiratory syncytial virus (RSV) antibody formulations

26 7,371,383 Recombinant anti-interleukin-9 antibodies

27 7,354,584 Recombinant IL-9 antibodies

28 7,323,172 Methods of administering/dosing anti-RSV antibodies for prophylaxis and treatment

29 7,294,336 Stabilized liquid anti-RSV antibody formulations

30 7,229,619 Methods of administering/dosing anti-RSV antibodies for prophylaxis and treatment

31 7,179,900 Methods of administering/dosing anti-RSV antibodies for prophylaxis and treatment

32 7,132,100 Stabilized liquid anti-RSV antibody formulations

33 7,083,784 Molecules with extended half-lives, compositions and uses thereof

34 6,855,493 Methods of administering/dosing anti-RSV antibodies for prophylaxis and treatment

35 6,818,216 Anti-RSV antibodies

- 34 6,656,467 Ultra high affinity neutralizing antibodies
215. Exhibit H shows an Astellas patent 7,662,921, "Methods of Treating a Viral Disorder" Column 12 lines 12 to 34 discuss "variegated antibody display libraries".
 216. Exhibit H shows Medimmune patent 7,744,887 "Human Antibodies Interacting with HIV GP41". Col 3, line 50 discusses a 7 amino acid epitope region from Leu 568 to Lys 574 in HIV gp41. This is within the epitope range in the '363 patent.
 217. Claim Count II- RICO- AstraZeneca
 218. Cambridge Antibody Technology was formed by Aaron Klug, Greg Winters and Cesar Milstein, inter alia, from prior Australian Company using Plaintiff's work. Greg Winters received the OBE, also known as "Other Buggers Efforts". So, he is now Sir Greg and made 50 million on the sale of CAT to AstraZeneca. The MRC Laboratory of Molecular Biology is now funded by royalties from Pieczenik's ideas, inventions and radiation dose received. Exhibit D is the only recognition the MRC has given Dr. Pieczenik. This borders on criminal activity and fraud to the SEC on the true inventors on patents presented as being CAT's and inventions by Winters.
 219. SEC filing by CAT states:
 220. "CAT has been named, together with numerous other defendants who practice or rely on antibody phage display, as a defendant in a complaint dated 14 August 2003 filed by Dr. George Pieczenik in the US Federal District Court for the Southern District of New York. The complaint, among other allegations, purports to assert claims of patent infringement with respect to a patent issued on 12 August 2003 to Dr. Pieczenik with a request for a permanent injunction against the commercial use and licensing of unspecified patents and for damages for past infringement. The complaint also purports to assert non-patent related claims. After an initial court conference the Plaintiff has amended his complaint adding certain other defendants."
 221. CAT was able to plead that the SDNY did not have jurisdiction over a British company. At that time it was not part of AstraZeneca.
 222. Claim Count 1- Patent Infringement- Aventis
 223. Defendant, Aventis, Inc. and Aventis Pharmaceuticals Inc ("Aventis") has the following patents which show evidence of its working in the area of monoclonal antibodies, antibody epitopes, combinatorial libraries and phage display libraries.
 224. 1 7,723,074 Nucleic acid molecules encoding prostaglandin receptor proteins
2 7,488,799 Prostaglandin receptor protein
3 7,432,361 G protein-coupled receptor, GAVE10
4 7,183,062 Prostaglandin receptor protein and methods of use thereof
5 7,141,383 EDG8 receptor, its preparation and use
6 7,094,577 Insulin and albumin fusion protein
7 7,081,354 Interleukin and albumin fusion protein
8 7,056,701 Hormone and albumin fusion protein
9 7,041,478 G-CSF and albumin fusion protein
10 6,989,365 Methods of treatment with erythropoietin and albumin fusion protein
11 6,987,006 Erythropoietin and albumin fusion protein, nucleic acids, and methods thereof
12 6,972,322 Interferon and albumin fusion protein
14 6,686,179 Fusion polypeptides of human serum albumin and a therapeutically active polypeptide
15 6,670,147 Nucleic acid construct for expressing active substances which can be activated by proteases, and preparation and use
16 6,617,131 Nucleic acid molecule encoding the potassium channel protein, KCNQ5
 225. Exhibit H has Aventis patent 7,723,074 "Nucleic acid molecules encoding prostaglandin receptor proteins" front page and page Col 22 line 55 to 60 discuss phage library used to bind a "selected antigen". This reads on Claim 77 of '363 inter alia.

226. Sanofi-Aventis has made a bid for Genzyme. Genzyme also infringes and Plaintiff request that this Court issue a temporary injunction to halt the hostile take-over until this case has been mediated.
227. Claim Count II- FICO- Aventis
228. There is a class action case in the District of Massachusetts, 01-cv-12257-PBS in Judge Patti Sari's court against Aventis for its involvement in a "high profit scheme". Aventis denies this allegation but admits to Aventis admits it is the successor in interest to substantially all of the assets and liabilities of Hoechst Marion-Roussel, Inc. (Hoechst). Line 82 of response in this case.
229. Hoechst was the third leg in the unholy alliance called I.G. Farben, which financed Hitler and the Nazi party directly and set up camp Monowitz within Auschwitz for slave labor. I.G. Farben, which was never de-nazified by the McCloy commission makes Aventis as Hoechst, its newer alias, part of that continuing criminal conspiracy. Germany never having signed a peace treaty with the Allies, in order to avoid reparations for its use of slave labor, on advice from the Allied Commissioner John McCloy. This has left German industries and their collaborators exposed to this court's jurisdiction under the US RICO statutes. Title 18, Part 1, Chapter 96 Racketeer Influenced and Corrupt Organization, Sec. 1961, 1956, 1957, 2421-24.
230. I request that this Court order Aventis to turn over Hoechst war time records regarding the use of its dyes on prisoners and concentration camp inmates and its relationship to Mengele's experimentation with Hoechst dyes. I refer opposing counsel to "Inside IG Farben, Hoechst During the Third Reich" by Stephan H. Lindner. Cambridge University Press, translated by Helen Shoop.
231. Claim Count I-Patent Infringement-Baxter
232. Defendant Baxter Diagnostics Inc ("Baxter") purchased two peptide phage libraries from New England Biolabs
233. i
234.

<small>DEBIT</small> BAXTER HEALTHCARE	<small>DEBIT</small> DEERFIELD	<small>IL</small> KS	<small>USA</small> USA	2002 EB110	\$	600.00	2
<small>CREDIT</small>	<small>CREDIT</small> DEERFIELD	<small>IL</small> KS	<small>USA</small> USA	2001 EB110	\$	300.00	1
235. Baxter bought some more peptide phage libraries from NEB in 2001

- | AVANTAR BIOLOGICALS LLC | INVENTOR | NO | USA | 2006 E8100 | \$ | 300.00 | 1 |
|-------------------------|-----------|----|-----|------------|----|--------|---|
| BAXTER HEALTHCARE | DEERFIELD | IL | USA | 2000 E8100 | \$ | 350.00 | 1 |
| BAXTER HEALTHCARE | DEERFIELD | IL | USA | 2002 E8120 | \$ | 350.00 | 1 |
| BAXTER HEALTHCARE | DEERFIELD | IL | USA | 2011 E8110 | \$ | 720.00 | 3 |
236. BAXTER HEALTHCARE
237. Exhibit H shows a Baxter patent 7,297,336 page column 5, lines 17 to 24 discuss phage libraries and selection of the binding clone.

238. Claim Count I- Patent Infringement- Bayer
239. Defendant, Aventis, Inc. and Aventis Pharmaceuticals Inc ("Aventis") has the following patents which show evidence of its working in the area of monoclonal antibodies, antibody epitopes, combinatorial libraries and phage display libraries.
240. They are:
- 1 7,691,987 Use of a novel eimeria gene and corresponding protein
 - 2 7,622,457 Polynucleotides encoding anticoagulant fusion proteins
 - 3 7,622,292 Regulation of human transmembrane serine protease
 - 4 7,622,122 Methods of using novel tissue factor targeted thrombomodulin fusion proteins as anticoagulants
 - 5 7,579,000 Tissue factor targeted antibodies as anticoagulants
 - 6 7,538,205 Regulation of human prostatic-like serine protease
 - 7 7,517,659 Potassium channel molecules and uses therefor
 - 8 7,491,550 Diagnostics and therapeutics for diseases associated with Neuromedin U2 receptor (NMU2)
 - 9 7,465,548 Methods of screening for potential therapeutics for diseases associated with G-protein coupled receptor HM74a
 - 10 7,462,696 Human antibodies that have MN binding and cell adhesion-neutralizing activity
 - 11 7,432,364 Human TIMP-1 antibodies
 - 12 7,378,494 Pituitary adenylate cyclase activating peptide (PACAP) receptor (VPAC2) agonist peptide
 - 13 7,338,781 Organic anion transporting (oat)-like protein UST3-LIKE1 and uses thereof
 - 14 7,323,314 Members of the capsaicin/vanilloid receptor family of proteins and uses thereof
 - 15 7,314,730 Regulation of human transmembrane serine protease
 - 16 7,307,154 DNA encoding a novel RG1 polypeptide
 - 17 7,285,640 Antibody to stem cell factor

- 18 7,258,973 Method for detecting a differentially expressed sequence
 19 7,258,971 Methods and compositions for treating urological disorders using
 carboxypeptidase Z identified as 8263
 20 7,250,168 Tissue factor targeted thrombomodulin fusion proteins as
 anticoagulants
 21 7,235,634 2786, a novel human aminopeptidase
 22 7,211,398 Human genes and gene expression products: II
 23 7,205,135 Regulation of human adenylate cyclase
 24 7,198,929 14790, a novel protein kinase molecule and uses therefor
 25 7,192,732 Regulation of human caspase-1-like protease
 26 7,179,629 Regulation of human serine/threonine kinase
 27 7,169,751 Method of identifying a compound capable of treating a pain or a
 painful disorder
 28 7,157,240 MID 4460, a human tyrosine phosphatase family member and uses
 therefor
 29 7,150,976 Regulation of human serine-threonine protein kinase
 30 7,148,050 Regulation of human protein kinase-like protein
 31 7,129,077 Regulation of human aminopeptidase N
 32 7,112,660 Modified cytokine
 33 7,091,323 Human TIMP-1 antibodies
 34 7,060,810 Regulation of human eosinophil serine protease 1-like enzyme
 35 7,060,456 Regulation of human protein phosphatase IIc-like enzyme
 36 7,052,892 Regulation of human wee1-like serine/threonine protein kinase
 37 7,049,420 Regulation of human prostasin-like serine protease
 8 7,049,120 Regulation of human mrp5-like protein
 9 7,049,118 Regulation of human serine-threonine protein kinase
 40 7,049,089 Regulation of human PLC delta-1
 41 7,037,700 Regulation of human ceramide kinase
 42 7,037,671 25312, a novel human agmatinase-like homolog
 43 6,927,041 Human neuropeptide Y-like G protein-coupled receptor
 44 6,919,185 Regulation of human transketolase-like enzyme
 45 6,908,743 Isolated human inositol polyphosphate 5-phosphatase
 46 6,864,078 14790, novel protein kinase molecule and uses therefor
 47 6,821,745 Regulation of human pyroglutamyl peptidase-like enzyme
 241. 48 6,734,006 Regulation of human transmembrane serine protease
 242. Syngenta, a collaborator of Bayer Crop Science, bought 24 libraries from NEB in
 2000 and 2001.

243.	SYNGENTA	RESEARCH TRIANGLE NC	USA	2000 E8110	\$	1,020.00	4
	SYNGENTA	RESEARCH TRIANGLE NC	USA	2001 E8110	\$	5,505.00	22
				2001 E8110	\$	300.00	1

244. Exhibit H has Bayer's Patent 7,285,640 "Antibody to stem cell factor" front page
 and internal page with column 5 line 40 to 45 discuss peptides 5 to 28. This range
 overlaps the ranges in the '363 .
245. Claim Count II- RICO- Bayer
246. The Bayer company then became part of IG Farben, a conglomerate of German
 chemical industries that formed a part of the financial core of the German Nazi
 regime. IG Farben owned 42.5% of the company that manufactured Zyklon B,[2] a
 chemical used in the gas chambers of Auschwitz and other extermination camps.
 During World War II, the company also extensively used slave labor in factories
 attached to large slave labor camps, notably the sub-camps of the Mauthausen-
 Gusen concentration camp[3]. When the Allies split IG Farben into several pieces
 after World War II for involvement in organized Nazi war crimes, Bayer reappeared

- as an individual business. The Bayer executive Fritz ter Meer, sentenced to seven years in prison by the Nuremberg War Crimes Tribunal, was made head of the supervisory board of Bayer in 1956, after his release.[4]
247. Bayer's subsidiary Degesch made Zyklon B for the genocide and liquidation of the Jewish population of Europe, inter alia. An excellent book, hereby incorporated by reference is "From Cooperation to Complicity-Degussa in the Third Reich" by Peter Hayes, Cambridge University Press.
 248. The story of Aspirin, a trademark recently bought back by Bayer, which was carried by Sterling Pharmaceuticals in the US, which cloaked for Bayer profits before and into WWII, in violation of the Alien Property Act introduced after WWI.
 249. The direct involvement and financing of the nazi regime by Bayer initially and then IG Farben's complicity was motivated simply by greed. Bayer followed the german army in WWII into France and Poland taking over various pharmaceutical houses at gunpoint. Bayer has not missed a beat before, during and after WWII. It is back in business, even larger than before WWII.
 250. I.G.Farben was never de-nazified by the McCloy commission. That fact makes it part of that continuing criminal conspiracy. It is also true that germany never signed a peace treaty with the Allies. This was in order to avoid reparations for its use of slave labor. This lack of germany signing a peace treaty is on advice of the Allied Commissioner John McCloy. This has left german industries and their collaborators exposed to the US courts having jurisdiction under the US RICO statutes. Title 18, Part 1, Chapter 96 Racketeer Influenced and Corrupt Organization, Sec. 1961, 1956, 1957, 2421-24.
 251. There really is no appropriate remedy for Plaintiff in respect to Bayer. Perhaps, on the Morgenthal plan would be a step in the right direction. Bringing Bayer Ag into the Trenton Court would make germany consider signing a peace treaty.
 252. There is a Jewish inventor of aspirin, who was eliminated from Bayer during its "Aryanization" period when it removed all Jewish board members and employees from Bayer. His name is Arthur Eichengrun. (Exhibit I).
 253. It would befit this Court when bringing in Bayer, AG, into its jurisdiction to order that Dr. Arthur Eichengrun be placed back into Bayer's history of Aspirin. The order should place Dr.Eichengrun contribution on the Bayer world wide web sites for the duration of the 363 patent at the minimum. Eichengrun was denied his recognition and was deported to Thierizenstadt concentration camp.

254. ClaimCount I- patent infringement Biogen Idec
255. Biogen Idec and Biogen Idec U.S. Corporation ("Biogen") bought NEB libraries

256.	BOE184 BIOGEN INC.	1	1	380.00
	BOE184 BIOGEN INC.		1	240.00
	BOE189 BOEHRINGER INGELHEIM PHARM INC		1	300.00

- 257.
258. Biogen has over 48 issued patents covering the area of monoclonal antibodies, epitopes, combinatorial chemistry and phage libraries. Twenty five of these are listed below:

- 1 7,709,220 Methods of monitoring treatment of BAFF-R related disease
- 2 7,700,097 Purification and preferential synthesis of binding molecules
- 3 7,695,934 Tumor necrosis factor related ligand
- 4 7,691,804 BAFF receptor (BCMA), an immunoregulatory agent
- 5 7,678,371 Methods of humanizing immunoglobulin variable regions through rational modification of complementarity determining residues
- 6 7,638,327 BAFF receptor antibodies and methods
- 7 7,635,677 BAFF receptor polypeptides
- 8 7,612,178 Anti-IGF-1R antibodies and uses thereof
- 9 7,566,769 Tumor necrosis factor related ligand

- 10 7,510,713 Methods of inducing immunosuppression by administering 7C10 and 16C10 CD80specific antibodies
- 11 7,510,712 Methods of treating rheumatoid arthritis with 7C10 and 16C10 CD80-specific antibodies
- 12 7,501,264 Methods of producing 7C10 and 16C10 CD80-specific antibodies
- 13 7,491,393 Methods of inhibiting IL-2 production by T cells by administering 7C10 and 16C10 CD80-specific antibodies
- 14 7,482,003 Treatment for asthma with .alpha.4-specific antibodies
- 15 7,465,705 Nogo receptor antagonists
- 16 7,456,255 Nogo receptor homologs that decrease inhibition of axonal elongation
- 17 7,425,447 Host cells expressing 7C10 and 16C10 CD80-specific antibodies
- 18 7,422,899 Antibodies to the human prolactin receptor
- 19 7,417,128 7C10 and 16C10 CD80-specific antibodies
- 20 7,414,123 Nucleic acids encoding 7C10 and 16C10 CD80-specific antibodies
- 21 7,323,170 Anti-CD80 antibodies
- 22 7,319,139 TAG-72 specific C.sub.H2 domain deleted antibodies
- 23 7,276,241 Methods of treating a tumor that expresses APRIL by administering BCMA
- 24 7,192,585 CD80 specific antibodies
- 25 7,175,847 Treating intestinal inflammation with anti-CD80 antibodies that do not inhibit CD80 binding to CTLA-4
259. As one specific example, Exhibit H has the front page and a second page of Biogen patent 7,695,934 "Tumor necrosis factor related ligand". Column 15 lines 45 to 62 discusses "combinatorial mutagenesis" and creating "variegated gene library" and screening same.
260. Royalty payments on the sale of its monoclonal antibodies in the range of 3 percent is reasonable for "biologics".
261. Count II- RICO-Biogen Idec
262. One of its directors Carl Icahn has been sued on RICO's several times. He has been able to have them dismissed. He is in the process of using Biogens considerable financial reserve of over 1 billion dollars to take over Genzyme. Genzyme is also in a hostile play by Sanofi-Aventis.
263. Claim Count I- Patent Infringement- Boehringer
264. Boehringer Ingelheim Vetmedica, Inc. and Boehringer Ingelheimroxe, Inc ("Boehringer" have bought NEB Libraries several times in 2001 and previously.
- | | | | | | | | |
|------------------------------------|------------|----|-----|------------|----|--------|---|
| BIOTROVE INC | CAMBRIDGE | MA | USA | 2001 E8120 | \$ | 700.00 | 2 |
| BOEHRINGER INGELHEIM PHARMACEUTIC | RIDGEFIELD | CT | USA | | | | |
| BOEHRINGER INGELHEIM VETMEDICA INC | ST JOSEPH | MO | USA | 2004 E8120 | \$ | 700.00 | 2 |
| BOSTON MEDICAL CENTER | BOSTON | MA | USA | 2003 E8100 | \$ | 300.00 | 1 |
- 265.
- 266.
267. Boehringer has several patents in the area of monoclonal antibodies, epitopes, combinatorial chemistry and phage libraries. Some are listed below:
268. 1 7,745,585 Antibodies to interleukin-like epithelial-mesenchymal transition inducer (ILEI)
269. 2 7,322,810 Method for identifying compounds that inhibit the activity of Myc
270. 3 6,809,179 Tumor-associated antigen (R11)
271. Exhibit H lists one example, both front page and example in Column 10 lines 22 to 23 "proposes to use combinatorial peptide libraries in order to design molecules which imitate tumor epitopes". This reads on many claims of '363, if not the whole invention.
272. Claim Count II- RICO- Boehringer
273. Boehringer Ingelheim was active in supporting and propogating the nazi regime and its various criminal endeavors. Since, germany never having signed a peace treaty with the Allies, in order to avoid reparations for its use of slave labor, on advice from the Allied Commissioner John McCloy. This has left german industries and their collaborators exposed to this courts jurisdiction under the US RICO statutes. Title 18, Part 1, Chapter 96 Racketeer Influenced and Corrupt Organization, Sec. 1961, 1956, 1957, 2421-24.

274. Plaintiff requests royalty payments or 3 percent on all biologics developed and sold by Boehringer, either alone or with collaborators and a temporary injunction on those sales until these claims are mediated.

275. Claim Count I- Patent Infringement-Bracco

276. Bracco Diagnostics, Inc ("Bracco") has purchased NEB libraries. The NEB sales are listed below. Bracco bought at least 8 libraries.

BRA220	BRANDEIS UNIVERSITY	1	1	270.00
BRA235	BRACCO RESEARCH USA INC	4	8	2,400.00
277.	ROYAL PHARMACEUTICALS ACCOUNTS PAYABLE	1	1	300.00
	BOEHRINGER INGELHEIM PHARM INC	1	1	300.00
	BRA235 BRACCO RESEARCH USA INC	1	1	300.00
278.	BRI235 PARTNERS ACCOUNTS PAYABLE	1	1	300.00

278. Bracco has several patents in the area of monoclonal antibodies, epitopes, combinatorial chemistry and phage libraries. Some are listed below:

280. 1 7,666,979 Methods for preparing multivalent constructs for therapeutic and diagnostic applications

281. and methods of preparing the same

282. 2 7,261,876 Multivalent constructs for therapeutic and diagnostic applications

283. 3 7,211,240 Multivalent constructs for therapeutic and diagnostic applications

284. Exhibit H lists a specific Bracco patent 7,666,979 Methods for preparing multivalent constructs for therapeutic and diagnostic applications which discusses eight M13 (ssDNA phage) peptide display phage libraries in Column 101, lines 36 to 39. This reads directly on the phage library claims in the '363 patent.

285. Claim Count II- RICO-Bracco

286. I haven't been able to access any collaborations during WWII in Italy with the nazi regime.

287. Claim Count I- Patent Infringement-Canon

288. Canon has filed and published patents where they clearly state they use the NEB libraries for identifying products of commercial use. I shall list these patents and the specific methods and products they claim which infringe several specific claims in the '363 patent.

289. What I do find a bit surprising is that my '363 patent is not cited as prior art, nor are my foreign filings cited as prior art. As this patent is the pioneering patent in this area the '363 should have been identified as prior art.

290. This would protect Canon patents from failure to identify the '363 and its foreign filings in the IDS which could lead to situations of "inequitable conduct" with the USPTO.

291. The first page and the representative page of interest for one prime patent example 7,622,263 column 7 sequence number 13

292. Whereas, Canon patent US 7,622,273 describes a kit for immobilizing organic substance. It describes methods where it uses the NEB libraries. I will discuss just one peptide product which is evidence that these libraries were actually used. This product is listed in column 7, line 38. It is among a list of thirty-two different 12 amino acid long sequences derived from a binding of the NEB-12mer combinatorial libraries to aluminum oxide as the target.

293. Peptide product number 13 consists of the sequence. SER VAL SER VAL GLY MET LYS PRO SER PRO ARG PRO.

294. It turns out that this particular sequence is an artifact of the combinatorial 12-mer library itself and not of any binding amplification My publications on Genotypic Selection explains this phenomena, particularly in relationship to filamentous phage such as the M13 vector used in these libraries. (Exhibit J (Congressional Record), I2 (PNAS)).

295. Experimentally, I generated and identified this identical sequence in bindings of formalin fixed paraffin embedded (FFPE) pathology slides (unpublished results).

296. In addition, this identical sequence is listed several times in a Dupont's published patent application US 20080207872, table 3 as a pigment-binding peptide SB-123 i.e.SVSVMKPSRP (this is the one letter equivalent of the 3 letter abbreviations for the amino acids) and again in table 7 as a high affinity PTFE -binding phage peptide from the 7 and 12 mer libraries (NEB) paragraph 0228.
297. There is a publication that analyzed binding peptides derived and it identified this artifactual sequence as appearing in several publications claiming to bind to what are completely unrelated targets. (Exhibit K). The artifactual nature of this sequence appearing is evidence that the NEB Ph-12 combinatorial libraries was actually used. It is evidence that all the peptide sequence examples given in these patents are not hypothetical. These patents are not "paper patents" such as the Ladner/Dyax patents, they have actual enablement (which sometimes creates artifacts).
298. The Canon peptide and the Dupont peptides listed in their respective patents, even the artifactual peptide, are 12 and 7 amino acid long and derived from the NEB combinatorial viral coded 7 and 12mer libraries
299. There are several Canon patents which describe use of the NEB libraries and 12-mer and 7-mer products derived from these libraries. These patents are evidence of products made by Canon which infringe Plaintiff's '363 patent, particularly, claims 1,2,6, 17,22, 28,33,37,41,46,55, *inter alia* and are evidence of a use that when combined with my '363 technology can be used as the foundation for creating Canon Pharma, Inc.
300. They are: US 7,632,618 ,US 7,399,644 ,US 7,354,955, US 6,951,745) , *inter alia*.
301. Patent US 7,632,618, column 31, line 9 "(3) An equivalent for 1.4×10^{11} pfu of Ph.D.-7 phage display library (manufactured by New England Biolabs Inc.) was added to the plate," Table 3 lists three 7 amino acid long peptides derived from binding to copper phthalocyanine. Column 45, line 42 "(2) An equivalent for 4×10^{10} pfu of Ph.D.-12 phage display library (manufactured by New England Biolabs Inc.) was added to the tube," Table 13 lists fifteen, 12 amino acid long peptides derived from binding to copper phthalocyanine.
302. This patent is evidence of products made by Canon which infringe Plaintiff's '363 patent, particularly, claims 1,2,6, 17,22, 28,33,37,41,46,55, *inter alia*, and are evidence of a use that when combined with my '363 technology can be used as the foundation for creating Canon Pharma, Inc.
303. Patent US 7,399,644, column 7, line 34 "(2) Approximately 4×10^{10} pfu of Ph.D.-12 phage display library (New England Biolabs) was added to the tube," Table 2 lists fifteen 12 amino acid long peptides derived from binding to copper phthalocyanine. . This patent is evidence of products made by Canon which infringe Plaintiff's '363 patent, particularly, claims 1,2,6, 17,22, 28,33,37,41,46,55, *inter alia*, and are evidence of a use that when combined with my '363 technology can be used as the foundation for creating Canon Pharma, Inc.
304. Patent US 7,354,995, column 14, line 36 "To the above magnetic liquid suspension, were added 4×10^{10} pfu of Ph.D.-12 phage display library (New England Biolabs Inc.)". This patent is evidence of products made by Canon which infringe Plaintiff's '363 patent, particularly, claims 1,2,6, 17,22, 28,33,37,41,46,55, *inter alia*, and are evidence of a use that when combined with my '363 technology can be used as the foundation for creating Canon Pharma, Inc.
305. Patent US 6,951,745 column 31, line 1 "(3) An equivalent for 1.4×10^{11} pfu of Ph.D.-7 phage display library (manufactured by New England Biolabs Inc.) was added to the plate," Table 3 lists three 7 amino acid long peptides derived from binding to copper phthalocyanine. Column 45, line 42 "(2) An equivalent for 4×10^{10} pfu of Ph.D.-12 phage display library (manufactured by New England Biolabs Inc.) was added to the tube," Table 13 lists fifteen, 12 amino acid long peptides derived from binding to copper phthalocyanine. This patent is evidence of products made by Canon which infringe Plaintiff's '363 patent, particularly, claims 1,2,6, 17,22, 28,33,37,41,46,55, *inter alia*, and are evidence of a use that when

combined with my '363 technology can be used as the foundation for creating Canon Pharma, Inc.

306. Plaintiff requests that Canon consider combining its know-how with Plaintiff to create Canon Pharmaceuticals with an initial capitalization of 1 billion for a complete genome/proteome micro array development for personalized medical diagnostic and therapeutic in a physicians office. Plaintiff also requests that Canon consider purchasing the '363 for 18 million dollars to give Canon IP protection while Canon Pharmaceuticals is being created. Plaintiff respectfully requests that this Court mediate this discussion and settlement.

307. Claim Count II- RICO-Canon

308. Canon was not a pharmaceutical company and, therefore, has no relationship to Unit 731. There is therefore no known criminal activity or RICO counts against Canon

309. Claim Count I- Patent Infringement-Centocor

310. Centocor Ortho Biotech Products, L.P., Centocor Ortho Biotech Services, and Centocor Ortho Biotech, Inc. ("Centocor") are subsidiaries of Johnson & Johnson.

311. Centocor has purchased NEB combinatorial libraries, in 2001. These are listed below:

312.	CENTOCOR INC	MALVERN	PA	USA	2001 E8100	\$	300.00	1
	CENTOCOR INC	MALVERN	PA	USA	2002 E8100	\$	300.00	1
	CENTOCOR INC	MALVERN	PA	USA	2001 E8110	\$	300.00	1
	CENTOCOR INC	MALVERN	PA	USA	2001 E8120	\$	350.00	1
	CENTOCOR INC	MALVERN	PA	USA	2002 E8110	\$	300.00	1
	CENTOCOR INC	MALVERN	PA	USA	2002 E8120	\$	700.00	2
313.	CENTOCOR INC	MALVERN	PA	USA	2002 E8120	\$	350.00	1

314. Centocor has several patents in the area of monoclonal antibodies, epitopes, combinatorial and phage libraries. Some are listed below:

315. 1 7,605,235 Anti-tissue factor antibodies and compositions

316. 2 7,560,112 Anti-il-6 antibodies, compositions, methods and uses

317. 3 7,550,142 Anti-integrin antibodies, compositions, methods and uses

318. 4 7,547,767 Growth arrest specific gene 6 peptides, antibodies, compositions, methods and uses

319. 5 7,371,825 Anti-MCP-1 antibodies, compositions, methods and uses

320. 6 7,364,742 RSV proteins, antibodies, compositions, methods and uses

321. 7 7,252,971 IL-23p40 specific immunoglobulin derived proteins

322. 8 7,247,711 L-23p40 specific antibody

323. 9 7,163,681 Anti-integrin antibodies, compositions, methods and uses

324. 10 7,037,496 Chimeric immunoglobulin for CD4 receptors

325. Exhibit H shows a Centocor Ortho Biotech Inc and Applied Molecular Evolution, Inc. patent number 2 7,560,112 titled "Anti-il-6 antibodies, compositions, methods and uses" lines 16 to 43 Column.11 discusses generating libraries of peptides both recombinantly and chemically. This reads fully on the '363 claims and patent.

326. Applied Molecular Evolution ('AME') was an early biotech company, with Huse as its president which took a license from Plaintiff on the '363 patent. This license made it even more attractive as a take-over by Lilly. AME is now a subsidiary of Lilly.

327. Claim Count II- RICO- Centocor

328. Centocor was originally founded by Dr. Hilary Koprowski. He was involved in a polio immunization effort in Central Africa in 1957 in which his polio vaccine was cultured in monkey cells. There has been unsubstantiated speculation that HIV derived from SIV in central Africa, by somehow recombining with the polio virus. This is unlikely as there is no non-random sequence homology between the polio virus and SIV or HIV. Therefore, there are no RICO counts against Centocor.

329.in

330. Plaintiff reasonably requests royalties of 3 percent on Centocor's biologic and monoclonal sales.

331. Claim Count I- Patent Infringement-Corning

332. Corning Incorporated ("Corning") has several patents in the area of instrumentation for arrays of monoclonal antibodies, epitopes, combinatorial and phage libraries.
333. Corning has over forty patents in these areas. A representative set are listed below:

- 1 7,749,723 Universal readout for target identification using biological microarrays
- 2 7,705,108 Fused thiophenes, methods for making fused thiophenes, and uses thereof
- 3 7,691,580 Reverse protein delivery into cells on coded microparticles
- 4 7,582,486 Double resonance interrogation of grating-coupled waveguides
- 5 7,368,281 Label-free evanescent-field detection of biological and chemical agents
- 6 7,349,080 Label-independent detection of unpurified analytes
- 7 7,105,347 Method and device for protein delivery into cells
- 8 5,656,457 DNA sequence for the unique sequence herpes simplex virus type 2-glycoprotein G protein and method of expressing said unique sequence of HSV-2gG
- 9 5,595,875 Method for detection of an analyte using acridinium ester and liposomes
- 10 5,582,796 Feed and orientation mechanism in automated analyzer
- 11 5,538,901 Nucleophilic polysubstituted aryl acridinium ester conjugates uses thereof
- 12 5,449,556 Method for detection of an analyte using acridinium esters and liposomes
- 13 5,445,936 Method for non-competitive binding assays
- 14 5,395,752 Long emission wavelength chemiluminescent compounds and their use in test assays
- 15 5,387,676 MN gene and protein
- 16 5,378,637 Method for measuring hyaluronic acid
- 17 5,344,760 Method of cancer detection
- 18 5,324,822 Method of isolating a CA 195-like immunoreactive antigen from human amniotic fluid
- 19 5,312,730 Immune complex transfer with lypophilic bridge
- 20 5,306,811 Squamous cell carcinoma-like immunoreactive antigen from human female urine

A specific Corning patent 7,749,723 titled Universal readout for target identification using biological microarrays is given in Exhibit H. The front page and column 2 lines 23 to 44 discuss protein arrays of antibodies and peptide arrays of antigens. This reads on all the claims of the '363. DNA arrays are discussed which also read on claims in the '363

334. Claim Count II-RICO
335. Dow Corning was involved in manufacturing silicone breast implants. When they leaked, the caused many problems. This led to multi-million dollar class actions suits which put DowCorning into bankruptcy for 9 years ending in June2004.
336. Whether this has criminal conspiracy aspects has not been determined.
337. Plaintiff requests Corning pay royalties of 1 percent on machinery involved in biological microarrays sold and a temporary injunction against such sale until mediation on these claims.

338. Claim Count I- Patent Infringement-Daiichi

339. Daiichi Sankyo Inc ("Daiichi") has purchased at minimum 257 NEB library kits for a total of \$55,897 in 2001. The NEB sales records are listed below:

DAIICHI SANKYO INC	DAIICHI SANKYO INC	DAIICHI SANKYO INC	DAIICHI SANKYO INC	DAIICHI SANKYO INC	DAIICHI SANKYO INC	DAIICHI SANKYO INC
DAIICHI PURE CHEMICALS CO LTD	TOKYO	JAPAN	2000 EB110	\$	2,730.00	13
DAIICHI PURE CHEMICALS CO LTD	TOKYO	JAPAN	2000 EB120	\$	1,470.00	6
DAIICHI PURE CHEMICALS CO LTD	TOKYO	JAPAN	2001 EB110	\$	11,130.00	53
DAIICHI PURE CHEMICALS CO LTD	TOKYO	JAPAN	2001 EB120	\$	3,920.00	16
DAIICHI PURE CHEMICALS CO LTD	TOKYO	JAPAN	2003 EB110	\$	7,005.00	34
DAIICHI PURE CHEMICALS CO LTD	TOKYO	JAPAN	2003 EB120	\$	4,882.50	21
340. DANA FARBER CANCER INSTITUTE	BROOKLINE	MA	2002 EB110	\$	720.00	3

- | COMPANY | LOCATION | IP | DATE | AMOUNT | PERCENT | PERCENT |
|-------------------------------|----------|-------|------------|-------------|---------|---------|
| DAIICHI PURE CHEMICALS CO LTD | TOKYO | JAPAN | 2000 E8100 | \$ 1,260.00 | 6 | |
| DAIICHI PURE CHEMICALS CO LTD | TOKYO | JAPAN | 2001 E8100 | \$ 7,140.00 | 34 | |
| DAIICHI PURE CHEMICALS CO LTD | TOKYO | JAPAN | 2002 E8100 | \$ 4,830.00 | 23 | |
| DAIICHI PURE CHEMICALS CO LTD | TOKYO | JAPAN | 2002 E8110 | \$ 5,670.00 | 27 | |
| DAIICHI PURE CHEMICALS CO LTD | TOKYO | JAPAN | 2002 E8120 | \$ 5,880.00 | 24 | |
| BOSE INSTITUTE | CALCUTTA | INDIA | 2001 E8100 | \$ 300.00 | 1 | |
- 341.
342. Daiichi patents relating to monoclonals, epitopes and bone loss are listed below:
 1 7,527,790 Methods of reducing bone absorption comprising administering an antibody that binds OBM
 2 7,449,185 Antibodies to OCIF-binding molecules.
343. Two pages of Daiichi patent 7,449,185 titled "Antibodies to OCIF-binding molecules" is listed in Exhibit H. In Column 9 of the '185 patent has paragraphs starting with lines 40 and 58 which relate to peptide libraries for the screening of antagonists or agonists using chemically synthesized combinatorial libraries. Line 58 starts a paragraph relating to using recombinant phage display which codes for "random amino acid sequences". This reads directly on many claims in the '363.
344. Claim Count II- RICO-Daiichi
345. Supreme Commander of the Allied Powers (SCAP) held by Gen. MacArthur had his headquarters in the Daiichi Building in Tokyo, now a historic site.
346. Daiichi does not seem to be involved with Unit 731. However, even if it were "As Supreme Commander of the Allied Powers, MacArthur also gave immunity to Shiro Ishii and all members of the bacteriological research units in exchange for germ warfare data based on human experimentation. On 6 May 1947, he wrote to Washington that "additional data, possibly some statements from Ishii probably can be obtained by informing Japanese involved that information will be retained in intelligence channels and will not be employed as "War Crimes" evidence." [5] The deal was concluded in 1948" Wiki.
347. Plaintiff reasonably requests Daiichi sign a Confidentiality Agreement so that Plaintiff can present his research on personalized ligands for oncologic use..
348. Plaintiff reasonably requests a 3 percent royalties on Daiichi's biologics, in particular the anti-Her3 monoclonal for breast CA from Daiichi's subsidiary U3 Pharma.
349. in
350. Claim Count I- Patent Infringement-Sumitomo
351. Dainippon Sumitomo Pharma America Holdings, Inc. and Dainippon Sumitomo Pharma America, Inc., ("Dainippon Sumitomo") has patents in monoclonal antibodies, epitopes, combinatorial and phage libraries. They are listed below:
352. 1 7,700,108 Tumor antigen protein and use thereof
353. 2 7,666,985 HLA-A24-restricted cancer antigen peptides
354. 3 7,601,801 HLA-A24 binding cancer antigen peptide derived from livin
355. 4 7,420,034 HLA-A24-restricted cancer antigen peptides
356. 5 7,378,384 WT1 substitution peptides
357. Dainippon Sumitomo patent 1 7,700,108 title "Tumor antigen protein and use thereof" in column 67 claims 4 discuss peptides which are 8 to 14 amino acids long. These read on the peptide claims in '363. In claim 12, it claims a method of an "antigen-presenting ability into contact with a peptide which is 8-14 amino acids long. This reads on range of antibody-peptide binding claims in '363.
358. Plaintiff reasonably requests Daiichi sign a Confidentiality Agreement so that Plaintiff can present his research on personalized ligands for oncologic use
359. Plaintiff reasonably requests 3 percent royalties on Daiichi Sumitomo biologics.
360. Count Claim II- RICO- Daiichi Sumitomo
361. Sumitomo bank financed a great part of the Japanese military expansion in WWII. It made its money in copper. The San Francisco Peace Treaty with Japan, effectively limited all Japanese company liability. This is not the case with Germany and its companies.
362. A broker Hamanaka at Sumitomo recently tried to manipulate the copper market with Chinese involvement. Sumitomo may have lost 4 billion dollars. This broker and others are being indicted by the US, Britain and now Japanese government.

363. Claim Count I-Infringement-Diversa
364. Diversa does not exist at the address given for process of service in New Brunswick, NJ. It may have been dissolved. Diversa as a defendant is moot.
365. Claim Count I- Infringement- Dupont
366. E.I.Dupont Denemours and Company ('Dupont') uses the NEB libraries
367. .Dupont's published patent application US 20080207872, table 3 (Exhibit H) has a pigment-binding peptide SB-123 i.e.SVSVGMKPSRP (this is the one letter equivalent of the 3 letter abbreviations for the amino acids) and again in table 7 as a high affinity PTFE -binding phage peptide from the 12 mer library (NEB) paragraph 0228.
368. There is a publication that analyzed binding peptides derived and it identified this artifactual sequence as appearing in several publications claiming to bind to what are completely unrelated targets. (Exhibit K). The artifactual nature of this sequence appearing is evidence that the NEB Ph-12 combinatorial libraries was actually used. It is evidence that all the peptide sequence examples given in these patents are not hypothetical. These patents are not "paper patents" such as the Ladner/Dyax patents, they have actual enablement (which sometimes creates artifacts).
369. Dupont also has several patents relating to monoclonal antibodies, epitopes, combinatorial and phage libraries. They are listed below:
370. 1 7,709,702 Glyphosate-N-acetyltransferase (GAT) genes
371. 2 7,323,623 RHIZOC3 nucleic acid molecules
372. 3 7,238,781 Plant defensin polynucleotides and methods of use thereof
373. 4 7,211,658 Insecticidal plant cyclotide with activity against homopteran insects
374. 5 7,202,214 Rhizoc3 antimicrobial polypeptides and their uses
375. 6 7,064,184 Mag1 antimicrobial polypeptides and their use
376. Dupont's patent 5 7,202,214 titled "Rhizoc3 antimicrobial polypeptides and their uses" is listed in Exhibit H. Column 11 line 14 discusses antigenic portion of a polypeptide and its use. This reads on '363 claims.
377. Plaintiff reasonably requests 3 percent royalty on antimicrobial polypeptide sold and on its sale of polytetrafluoroethylene bound with peptides for microarray development.
378. Plaintiff went to Dupont in and around 1986 as the foremost chemical company n the US. They also made the fuse explosives designed by Plaintiff's Harvard Professor Kistiakowsky on the first atom bombs. They showed no understanding of combinatorial chemistry at the time. In 1986, it was still unpublished and completely novel. Also, Plaintiff worked on the same bench at Rockefeller University that Leo Szilard worked on when in Zinder's laboratory. Szilard patented the atom bomb and collected royalties after the War from the US Government for its use. He also dedicated himself to limit its use.
379. Claim Count II- RICO-Dupont
380. RICO count is moot for Dupont
381. Claim Count I- Patent Infringement-Dyax
382. Dyax has a collaboration and uses the NEB libraries. NEB acknowledges these libraries infringe the '363 and has taken a license on the '363 patent.
383. Plaintiff with co-plaintiffs have litigated against Dyax. Plaintiff's lawyers at the time are now in jail i.e. Marc Dreier. Dyax law firm Ropes and Grey is being being sued by Cold Spring Harbor (CSH)for patent plagiarism in its microRNA filings for CSH. Continued litigation with Dyax seems to lead nowhere as Dyax's stock is in the single digits, its clinical trials are a disaster and it has little funds.
384. Therefore, Plaintiff reasonably requests that this Court mediate that Dyax place on its web site the fact that the Pieczenik '363 patent has a 102(e) prior art date of 1985

to end this litigation with Dyax. This would be an elegant gesture to acknowledge my scientific contribution to their companies creation as well as legally precise.

385. The MRC Laboratory of Molecular Biology has done just this (Exhibit D). Dyax's ex-chief scientist Ladner was at the MRC observing Pieczenik's work and filed paper patents that postdate the '363 patent.

386. Claim Count I- Patent Infringement- Forest Laboratories

387. Forest Laboratories, Inc. ("Forest Labs") specializes in collaborations for the isolation, manufacturing and sales of chemical isomers of known clinical use; and,

388. Whereas, on May 3, 2010, Forest Laboratories announced positive results in Phase III clinical trials in its current and past collaboration with Ironwood Pharmaceuticals, Inc. on the use of Linacotide for chronic constipation.

389. Whereas, Linacotide is a peptide which falls in the size range of peptides claimed in '363 and expressed, *inter alia*, in bacteriophage, or equivalents claimed in '363; and

390. in

391. Forest Lab has a patent application 20050113458 Use of aminocyclohexane derivatives to modify deposition of fibrillogenic A-beta peptides in amyloidopathies". Exhibit H shows in pgs 6 and 7, paragraph 0065, that a paired antigody-peptide comprising the proteolytic cleavage site of APP between Lys 16 and Leu 17 would be an embodiment. This reads on the peptide claims and pairing claim 77, *inter alia*, of '363.

392. Whereas, Forest Laboratories, Inc. have received patent US7,704,947 on April 27, 2010 and have filed a patent application US20100048489 which published on February 25, 2010 which describes aspects of Linacotide and the manufacture of Linacotide which read on claims in the '363 patent; and,

Therefore, Forest Laboratories, Inc. in collaboration with Ironwood Laboratories, Inc. infringe by making, selling, inducing to infringe the '363.

393. Claim Count II-RICO-Forest Labs

394. RICO claims against Forest Labs are moot.

395. Claim Count I- Patent Infringement -GE

396. GE Healthcare Biosciences Bioprocess Corp, GE Healthcare Strategic Sourcing Corporation, GE Healthcare Inc. and GE Healthcare Bio-Sciences Corp. ("GE")

397. Amersham is a subsidiary of GE. Plaintiff visited Amersham over 17 years ago to discuss his invention of combinatorial chemistry and to give them phage samples of the combinatorial library he created at the MRC Lab of Molecular Biology.

398. Below is a copy of the Fax sent to Dr. Allan Hayle of Amersham Corporation:.

Fax to Dr. Allan Hayle 708-593-6300

October 4, 1993

Dr. Allan Hayle

Amersham Corporation

2636 S. Clearbrook Drive

Arlington Heights, Ill 60005

Dear Dr. Hayle,

I am faxing you to confirm our meeting at Amersham on Friday October 15th at 2pm.

Thank-you for the map. I didn't realize how far out of Chicago you are located. However, I will rent a car for the day to get to the meeting. I would appreciate it if this cost would be picked up, also.

I think it would be useful if your lawyers looked up my patents. I have some on vector design under my name. These are US patents. The patents we will be discussing has issued in Australia as No. 727252, November 24, 1992. and the European- WO 87/01374PCT will issue.

I will need a 35mm slide projector and a blackboard or paper flip chart. If you have a mutual confidentiality agreement prepared that will be useful, which I can sign when I arrive. Or if you prefer I can fax you a pretty standard one.

I already have interest in our collaboration from a biotech firm which will be willing to create the different libraries.

Looking forward to meeting you again.

Warmest Regards.

Dr. George Pieczenik

One Harkness Plaza, Suite 11G

New York, NY 10023

212-249-6395

Fax 212-247-5399

399. The above fax is evidence that Amersham was informed of the '363 patent before it issued and was aware of what the international filing contained.
400. GE Healthcare acquired Amersahn as a subsidiary. GE Healthcare announced a New Product, Human Fab Capture Kit. Product Code 28-9683-25 It seems that Amersham in its new GE guise is getting into the combinatorial phage display business.
401. GE Healthcare's subsidiary Biocore actively engages in measuring antibody-antigen pair binding strengths using plasmon resonance as a commercial service for many companies infringing the '363 patent.
402. GE purchased NEB libraries in 2001. See relevant section of the NEB sales record below:
- | | | | | | | | |
|---------------------------------|--------------|----|-----|------------|----|--------|---|
| BRUNSON STATE LABORATORY CENTER | BELLEVILLE | IL | USA | 2002 E8100 | \$ | 300.00 | 1 |
| GE GLOBAL RESEARCH CENTER | NISKAYUNA | NY | USA | 2002 E8100 | \$ | 300.00 | 1 |
| GEN VFC INC. | GAITHERSBURG | MD | USA | 2002 E8110 | \$ | 270.00 | 1 |
- 403.
404. Amersham patents in areas involving monoclonal antibodies, epitopes, combinatorial libraries and phage libraries:
405. 1 6,921,525 Contrast agents
406. 2 6,806,045 Method for the identification of a receptor
407. 3 6,686,188 Polynucleotide encoding a human myosin-like polypeptide expressed predominantly in
408. heart and muscle
409. 4 6,680,047 Diagnostic/therapeutic agents
410. 5 6,656,700 Isoforms of human pregnancy-associated protein-E
411. 6 6,498,945 Sonodynamic therapy using an ultrasound sensitizer compound
412. 7 5,932,441 Vectors for differential expression
413. Amersham patent 6,921,525 titled "Contrast agents" in column 8 lines 50 to 64 discuss re:angiotensin II receptors by direct screening of molecular libraries. It specifically states "phage libraries displaying small peptides could be used for such selection". This clearly reads on the peptide library claims of '363.
414. GE has patents that are in the field of monoclonal antibodies, epitopes and combinatorial libraries. They are listed below:
415. 1 7,750,129 Process for the purification of antibodies
416. 2 7,645,903 Use of urea variants as affinity ligands
417. 3 7,642,058 Method and apparatus for characterization of interactions
418. 4 7,625,838 [1, 2, 4] Triazolo [1, 5-A] pyrimidine derivatives as chromatographic adsorbent for the
419. selective adsorption of IGG
420. 5 7,612,189 Cell cycle phase markers
421. 6 7,608,187 Manufacture of a chromatography matrix
422. 7 7,597,875 Chelator conjugates
423. 8 7,582,487 Method and device for laminar flow on a sensing surface
424. 9 7,413,727 Contrast agents
425. 10 7,385,040 Antibody purification
426. 11 7,369,696 Classification of cells into subpopulations using cell classifying data

427. 12 7,235,401 Method for determining cell cycle position
428. 13 7,182,934 Contrast agents
429. 14 7,052,672 Stabilized radiopharmaceutical compositions
430. GE patent 7,182,934 titled Contrast agents Column 3 ln 49 to 53 state “
Othere suitable oligopeptide vectors can readily be determined using phage
display, combinatorial chemistry (both peptidic and non-peptidic combinatorial
chemistry)..”
431. This clearly reads on the phage libraries claimed in the ‘363.
432. Plaintiff reasonably requests 3 percent on all contrast agents sold by GE developed
with lead compounds using combinatorial chemistry
433. Claim Count II- RICO-GE
434. RICO claims are moot for GE
435. Claim Count I- Patent Infringement-Genzyme
436. Genzyme is a major stock holder in Dyax. It has recently severed its relationship.
437. Genzyme has a “global Alliance with Mimetopes where their “design peptide
libraries infringe on all thepeptideclaims ofthe ‘363,claims 1-23,inter alia
438. Genzymes has patent applications in the area of monoclonal antibodies, epitopes,
combinatorial and phage libraries. They are listed below:
439. 1 20100062002 Brain Endothelial Cell Expression Patterns
440. 2 20090117038 Breast Endothelial Cell Expression Patterns
441. 3 20070264255 Antibodies to TGF-beta
442. 4 20070178090 Breast endothelial cell expression patterns
443. 5 20070134246 Antibodies to TGF-BETA
444. 6 20060127902 Brain endothelial cell expression patterns
445. 7 20050281834 Altered peptide ligands
446. Genzyme’s 20050281834 patent application titled “Altered peptide ligands” para
0117 describes one embodiment to identify peptides bound to the MHC molecules.
- 447.
448. Claim Count II-RICO-Genzyme
The RICO count in this Complaint may be stare decisis et non quieta movere.
Genzyme Director, Carl Icahn has a history of being a defendant in RICO suits. 1)
Viacom International Inc v. C Icahn, 946 F2d 998. “Viacom claims that Icahn
committed extortion, in violation of the Hobbs Act, 18 U.S.C. § 1951 (1988),”;2)
Marshall Field & Co. v. Icahn, 537 F.Supp. 413 (S.D.N.Y.1982). Marshall Field
claims Icahn committed a violation of Section 1962(a)of RICO claims. 3) Dan River
Inc v. C Icahn & Cci 701 F2d 278 Dan River's claims Icahn committed a violation of
RICO specifically 18 U.S.C. Secs. 1961-68,by making an unlawful “acquisition of
an interest in a business through funds derived from a "pattern of racketeering
activity." Sec. 1962(a).and “that Icahn's disclosures are insufficient under the
Virginia Take-Over Bid Disclosure Act, Va.Code Secs. 13.1-528 through 13.1-
541... Another Count asserted that Icahn intends to "loot" Dan River in violation of
the corporation law of the Commonwealth of Virginia”.
449. Plaintiff believes that that a simple discovery letter request to Genzyme’s present
President and CEO, Henri Tremeer, requesting information on what he believes and
may have evidence for on Carl Icahn’s plans to take over Genzyme. Does Icahn
intend to merge it with its competitor Biogen Idec with funds from Biogen, Idec.
This possible intent reads right on Bell Atlantic Corp. v. Twombly, 550 U.S. 544
(2007). Or like in Dan River Inc v. C Icahn & Cci 701 F2d 278, Carl Icahn plans to
“loot” Genzyme. This discovery letter from Henri Tremeer will give Plaintiff
sufficient information to prevail on a RICO charge against members of the governing
board of Genzyme. This continuing “pattern of racketeering” should be enjoined as
Carl Icahn had previously dealings with American Home, which blocked a research
support offer to Plaintiff and around 1987. Cancer would now be a much more
readily treatable disease, with methods developed by Plaintiff, such as Therapeutic
Pathology. This continued “pattern of racketeering” clearly will inhibit Genzyme

with coming to a mutually advantageous resolution between Genzyme and Plaintiff. Whatever can be said about Henry Blair and Henri Tremeer, they created biotech companies when it they were just a concept and were smart enough to appropriate Pieczenik's inventions.

Plaintiff's discovery request would only consist of this letter request, discussed above, to President and CEO Henry Tremeer. It would not be prohibitively expensive for a pro se litigant, nor Genzyme. Time is of the essence as Henri Tremeer may be removed as President and CEO forthwith by Carl Icahn.

450. Claim Count I- Patent Infringement- Gilead
451. Gilead Sciences, Inc. ("Gilead") has patents in the area of monoclonal antibodies, epitopes, combinatorial and phage libraries. A representative set are listed below:
452. 1 7,648,998 Imidazo 4,5-c pyridine compounds and methods of antiviral treatment
453. 2 7,589,186 Isolated hOAT polynucleotide
454. 3 7,553,825 Anti-proliferative compounds, compositions, and methods of use thereof
455. 4 7,071,305 Isolated hOAT polypeptide
456. 5 7,060,484 Polypeptides and coagulation therapy
457. 6 6,933,114 Nucleic acid ligands to the prostate specific membrane antigen
458. 7 6,613,526 Systematic evolution of ligands by exponential enrichment: tissue select
459. 8 6,432,631 Gene encoding organic anion transporter
460. 9 6,376,674 Piperidine compounds
461. 10 6,376,474 Systematic evolution of ligands by exponential enrichment: tissue SELEX
462. 11 6,225,341 Compounds and methods for synthesis and therapy
463. 12 6,110,721 Polypeptides and coagulation therapy
464. Gilead's patent 7,589,186 titled "Isolated hOAT polynucleotide" column 9, lines 35 to 41 below:

Peptide TBP's are obtained by the use of in vitro directed evolutionary methods such as those employing filamentous phage to present candidate sequences (otherwise known as phage display) and similar methods known per se which rely on the systematic generation and screening of peptides for activity. These typically are rather small molecules, containing on the order of about 5 to 20 residues.

465. ing on the order of about 5 to 20 residues.
466. This clearly reads on the peptide library claims in '363.
467. Claim Count II-RICO- Gilead
468. Gilead had a contract to make Tamiflu. Donald Rumsfeld was on the board. Bush pushed Congress for an emergency 7.1 billion dollars for possible bird flu and the needed Tamiflu. The Supreme Court just ruled that conflict of interest statutes are not criminal and do not fall under the RICO statutes. Go figure.
469. Plaintiff reasonably requests 3 percent royalty on all biologics sold by Gilead that were developed with lead compounds or assays employing antibody-peptide pairs or combinatorial libraries
470. in
471. Claim Count I- Patent Infringement- Glaxo
472. GlaxoSmithKline LLC ("Glaxo") purchased Domantis. Domantis was a company set up by Greg Winters and the MRC based on Pieczenik's inventions of phage antibody libraries which Pieczenik had Winters reduce to practice.
473. Unfortunately, for Pieczenik, Winters failed to acknowledge that conception and invention and filed patents on combinatorial antibody libraries in his name alone.
474. Sir Aaron Klug's fax to Plaintiff acknowledging Pieczenik's inventorship is Exhibit L. Greg Winters. This says it all.
475. Domantis actively makes phage antibody library and antibody-peptide pairs which infringe the '363 patent.

476. Glaxo has a patent i.e. US 6,846,634 where they specifically discuss "receptor/ligand pair" and US 7,563,443 Column 35, lines 26-29 where Domantis scientists discuss "High affinity indicates antibody polypeptide/antigen pairings that have a high degree of complementarity" which show evidence of products and methods which directly infringe on '363 antibody/antigen pairing claims 8,14,47,48, 49, 64,77, 78, 79, 80, 90-92, inter alia.

477. Glaxo through SmithKlineBeecham purchased NEB libraries. See below:

SMI340 SMITH KLINE BEECHAM

1 1 300.00

478.

479. Claim Count II- RICO- GlaxoSmithKline

480. The purchase of Domantis knowing that it did not file its patents honestly with the proper inventorship. The RICO can bring Glaxo into a US District Court, where justice can be done.

481. Plaintiff respectfully requests a 3 percent royalty on all biologics sold by Glaxo or its subsidiaries.

482. Claim Count I- Patent Infringement- Howard Hughes Institute

483. The Howard Hughes Institute bought many NEB libraries in 2001. See below:

HOWARD HUGHES MEDICAL INSTITUTE	CHEVY CHASE	MD	USA	2000 E8110	\$	480.00	2
HOWARD HUGHES MEDICAL INSTITUTE	CHEVY CHASE	MD	USA	2001 E8110	\$	240.00	1
HOWARD HUGHES MEDICAL INSTITUTE	CHEVY CHASE	MD	USA	2001 E8120	\$	280.00	1
HOWARD HUGHES MEDICAL INSTITUTE	CHEVY CHASE	MD	USA	2002 E8100	\$	720.00	3
HOWARD HUGHES MEDICAL INSTITUTE	CHEVY CHASE	MD	USA	2002 E8110	\$	1,920.00	8
484. HUMAN GENOME SCIENCES INC.	ROCKVILLE	MD	USA	2001 E8110	\$	280.00	1
HARVARD MEDICAL SCHOOL	BOSTON	MA	USA	2003 E810C	\$	240.00	1
HARVARD UNIVERSITY MEDICAL SCHOOL	BOSTON	MA	USA	2003 E811C	\$	240.00	1
HOWARD HUGHES MEDICAL INSTITUTE	CHEVY CHASE	MD	USA	2000 E810C	\$	480.00	2
HOWARD HUGHES MEDICAL INSTITUTE	CHEVY CHASE	MD	USA	2000 E812C	\$	280.00	1
485. HOWARD HUGHES MEDICAL INSTITUTE	CHEVY CHASE	MD	USA	2002 E812C	\$	280.00	1

486. Howard Hughes patent application 20070048836 titled "Db, the receptor for leptin, nucleic acids encoding the receptor, and uses thereof" para 0165 and 0166 discuss combinatorial phage and chemical methods for isolating the leptin receptor. This clearly reads on the combinatorial peptide claims in the '363. This work was done at Rockefeller but Howard Hughes Institute "owns" the investigators IP.

487. Claim Count II- RICO-Howard Hughes Institute

488. The Howard Hughes Medical Institutes were set up as a tax dodge. The "owned" Howard Hughes' TWA company. It paid no taxes for years. It was located in Miami Florida adjacent to Jackson Memorial Hospital. I actually worked there. It was only a library. It started to create Howard Hughes Professorships in response to IRS inquiries.

489. A Qui Tam suit is probably more appropriate than a RICO

490. Plaintiff reasonably requests 3 percent on all leptin sales when and if Howard Hughes Medical Institute can find a commercial buyer.

491. Claim Count I- Patent Infringement—IBM

492. IBM now collaborates with Roche. Roche has settled with Plaintiff.

493. IBM will be attempting to make a nanotube sequencing system for personalize medicine by threading DNA through 10 angstrom nanotubes.

494. This is IBM's re-entering into the field of genetic classification which it pioneered with the nazi's during WWII.

495. Claim Count II- RICO-IBM

496. IBM collaborated actively with the nazi regime in setting up the Hollerith card identification scheme. I refer opposing counsel to Edwin Black's book "IBM and the Holocaust" where this issue is carefully documented.

497. Now that IBM is getting back into the genetic profiling business with Roche, which also Aryanized its Swiss division by sending its Jewish scientists to Nutley NJ before WWII broke out to continue working with the nazi regime, this court should allow discovery of IBM's war records.

498. Plaintiff respectfully requests a court order to examine IBM's historical war records and in particular its collaboration with the nazi regime throughout WWII, in spite, of US governemtn objections.

499. Claim Count I- Patent Infringement- Idexx

500. Idexx Reference Laboratories ("Idexx") bought NEB libraries several times in 2001. Below is one such sale.

501.	IDEXX LABORATORIES INC	WESTBROOK	ME	USA	2001 E811C	\$	900.00	3
	IDEXX LABORATORIES INC	WESTBROOK	ME	USA	2002 E810C	\$	900.00	3
	IDEXX LABORATORIES INC	WESTBROOK	ME	USA	2002 E811C	\$	900.00	3
	NEV BIOINSTRUMENTS INC	SAN ANTONIO	TX	USA	2001 E811C	\$	900.00	1

502. Idexx patent application 20090110691 titled Ehrlichia canis DIVA (Differentiate Infected from Vaccinated Animals, paragraph 0165 discusses phage and chemical methods to make combinatorial libraries. This reads on the '363 patent.

503. Claim Count II- RICO- Idexx

504. Federal trade commission is investigation Idexx on animal diagnostic price fixing.

505. Plaintiff reasonably requests 3 percent royalty on monodlonals and peptide antigens used in Idexx diagnostic tests, if derived by using combinatorial libraries.

506. Claim Count I-Patent Infringement-Invitrogen

507. Invitrogen, Corporation ("Invitrogen") bought NEB libraries:

508. Invitrogen sells vectors for the display of combinatorial libraries. Cat v66020

509. Invitrogen sells DynaBeads for Phage Display and BioPanning.

510. These product sales infringe and induce to infringe the '363 patent

511. Plaintiff reasonably requests 3 percent royalty on Invitrogen products to be use to make, use or employ combinatorial libraries, whether recombinant or chemical.

512. Invitrogen has patents which are in the field of monoclonal antibodies, epitopes, combinatorial and phage libraries: Some are:

513. 1 7,572,631 Activation and expansion of T cells

514. 2 7,541,184 Activation and expansion of cells

515. 3 6,017,754 System for isolating and identifying eukaryotic cells transfected with genes and vectors, host cells and methods thereof

516. Invitrogens' patent6,017,754 titled System for isolating and identifying eukaryotic cells transfected with genes and vectors, host cells and methods thereof Col8 line 13 discusses phage technology for screening. This reads on the '363 patent.

517. ClaimII-RICO-Invitrogen

518. RICO claims are moot.

519. Claim Count I- Patent Infringement-Johnson & Johnson

520. Refer to Centocor complaint section for all J&J subsidiaries also

521. Claim Count II-RICO-J&J- Rico is moot

522. Claim Count 1-Patent Infringement – Kyowa

523. Defendant Kyowa Hakko Kirin America, Inc., Kyowa Hakko Kirin Pharma, Inc., ("Kyowa") filed patent application 20100137210, titled "Gastrointestinal proliferative factor and uses thereof". Paragraphs 0350 to 0353 discuss using combinatorial recombinant and chemical libraries to make potential drug compounds for effectiveness. This clearly reads on the '363.

524. Claim Count II-RICO-Kyowa

525. No evidence of Kirin being involved with Unit 731 ergo moot.

526. Claim Count I- Patent Infringement- Medarex

527. Medarex was bought by Bristol Myers Squibb.in 2009 after Plaintiff's agreement with Bristol. Will need the court to mediate the issue of a contract being interpreted nunc pro tunc.

528. Medarex sells MDX-010 i.e.Ipilimumab, a human monoclonal to activate the immune system.

529. Medarex has a collaboration with Amgen. Patent 7, 521,053 titled Angiopoietin-2 Specific Binding Agents. Column 19 lines 25 to 30 address creating random variants of specific binding agents.

530. Plaintiff requests a 3 percent royalty on biologics made by Medarex prior to being part of Bristol Myers Squibb.

531. Claim Count II-RICO-Medare-moot

532. Claim Count I-Patent Infringement Medimmune

533. Medimmune was merged with Cambridge Antibody Technology. See AstraZeneca Complaint above.

534. in

535. Claim Count I- Patent Infringement-Millennium

536. Millennium LLC is now a subsidiary of Takeda Pharmaceuticals-

537. Takeda was not served, but will be served in a future filing.

538. Millennium has purchased NEB libraries.

MAKING LIBRARIES FOR DRUG	BUENOS AIRES	ARGENTINA	2001 E8100	\$	225.00	1
MILLENNIUM PHARMACEUTICALS INC	CAMBRIDGE	MA	USA	2002 E8110	\$	240.00
MOUNT SINAI HOSPITAL	NEW YORK	NY	USA	2003 E8100	\$	240.00
539. HIL699 MILLENNIUM PHARMACEUTICALS INC			2	2	480.00	

541. Takeda purchased NEB libraries. Syntonix and Syrrx are subsidiaries of Takeda as is Millennium.

SYNTONIX PHARMACEUTICALS INC	WALTHAM	MA	USA	2001 E8120	\$	350.00
SYNTONIX PHARMACEUTICALS INC	WALTHAM	MA	USA	2002 E8100	\$	300.00
SYRRX INC	SAN DIEGO	CA	USA	2002 E8110	\$	510.00
SYRRX INC	SAN DIEGO	CA	USA	2002 E8120	\$	595.00
TAKEDA BIO-SCIENCE CORPORATION			TAIWAN	2001 E8100	\$	1,140.00

542. SYRRX INC

543. Millennium has patents in the area of monoclonals, epitopes, combinatorial and phage libraries.

544. 1 7,527,962 Human diacylglycerol acyltransferase 2 (DGAT2) family members and uses therefor

545. 2 7,452,967 Molecules of the card-related protein family and uses thereof

546. 3 7,361,511 Compositions, kits, and methods for identification, assessment, prevention, and therapy of cervical cancer

547. 4 7,125,663 Genes, compositions, kits and methods for identification, assessment, prevention, and therapy of cervical cancer

548. 5 6,977,240 Methods of using the OB receptor antibodies to treat bodyweight disorders

549. 6 6,642,039 25312, a novel human agmatinase-like homolog

550. 7 6,448,021 Method of inhibiting cell function associated with CCR2 by anti-CCR2 amino-terminal domain antibodies

551. 8 6,444,802 Human aminopeptidase

552. 9 6,410,240 RGS-containing molecules and uses thereof

553. 10 6,403,767 Polypeptide molecules of the G protein-coupled heptahelical receptor superfamily and uses therefor

554. 11 6,403,552 Ob receptor and methods for the diagnosis and treatment of body weight disorders

555. 12 6,194,151 Molecules of the TNF receptor superfamily and uses therefor

556. 13 6,174,682 Thioredoxin family active site molecules and uses therefor

557. 14 6,043,086 Neurotactin and uses therefor

558. 15 6,031,076 Conservin compositions

559. 16 5,955,306 Genes encoding proteins that interact with the tub protein

560. Millennium's patent 3 7,361,511 titled "Compositions, kits, and methods for identification, assessment, prevention, and therapy of cervical cancer" Column 29, line 44 addresses the size of the antigenic peptide as 8 which is in the range of the '363 claims.

561. RICO claims are moot for Millennium. Not clear on Takeda Pharmaceuticals, yet.

562. Claim 1- Patent Infringement-Mitsubishi

563. Mitsubishi Tanabe Pharma America, Inc., Mitsubishi Tanabe Pharma Development America, Inc., and Mitsubishi Tanabe Pharma Holdings America, Inc., ("Mitsubishi") has patents in the area of monoclonal antibodies, epitopes, combinatorial and phage libraries, inter alia. Some are listed below.
564. 1 7,671,090 Inhibitors of .alpha..sub.4 mediated cell adhesion
565. 2 7,527,935 G-protein coupled receptor having eicosanoid as ligand and gene thereof
566. 3 7,488,591 Process for producing protein with reduction of acidic sugar chain and glycoprotein produced thereby
567. 4 7,456,217 Inhibitors of alpha4 mediated cell adhesion
568. 5 7,422,887 Phospholipase A.sub.2 and gene thereof
569. 6 7,396,915 Monoclonal antibody and gene encoding the same, hybridoma, pharmaceutical composition, and diagnostic reagent
570. 7 7,375,128 Inhibitors of .alpha..sub.1 .beta..sub.2 integrin mediated cell adhesion
571. 8 7,342,012 Inhibitors of .alpha..sub.L.beta..sub.2 mediated cell adhesion
572. 9 7,294,629 Quinazoline derivatives
573. 10 7,198,921 Process for producing protein with reduction of acidic sugar chain and glycoprotein produced hereby
574. 11 7,101,551 Remedies for hepatitis C
575. 12 6,762,021 Method for diagnosis of crohn's disease
576. 13 6,667,025 Compositions and methods of using compositions with accelerated lymphocyte homing immunosuppressive properties
577. 14 6,248,559 Gene encoding human tau-protein kinase I and use thereof
578. 15 6,071,694 Screening method for therapeutic agents against Alzheimer's disease
579. Mitsubishi patent 7,442,516 titled "Antibody Specific to Central Nervous System Tau Protein" Column 35 Claim 1 discusses binding regions in the range covered by the '363 claims.
580. Claim Count II- RICO-Mitsubishi
581. Mitsubishi was directly involved in using slave labor and building sections housing Unit 731 which did experiments on US and other prisoners of war. Gen MacArthur gave Unit 731 personnel immunity from prosecution. Whether this immunity waives the corporate criminal behavior is a legal issue this Court could address.
582. Plaintiff reasonably requests a 3 percent royalty on all biologics produced by Mitsubishi and in particular their antibody which binds Tau. I have a ligand which I isolated which I believe binds Tau. This may be of interest to the Mitsubishi scientists
583. in
584. Claim Count I- Patent Infringement-Monsanto
585. .Monsanto Ag Products LLC, and Monsanto Company ("Monsanto") have bought NEB libraries:

586.	MON760 MONSANTO COMPANY	1	1	300.00
	MIL699 MILLERNTUM PHARMACEUTICALS INC	1	1	200.00
587.	MON760 MONSANTO COMPANY	1	1	350.00

588. There is an issue with Monsanto as one of the Pharmacia divisions was part of Monsanto and now that Pharmacia is part of Pfizer there is an issue of whether an agreement previously signed with Pfizer is now applicable. This is being discussed with counsel for Pharmacia and Wyeth. Wyeth was merged with Pfizer and the issue of whether the agreement can be interpreted nunc pro tunc may need to be mediated by this court. Plaintiff hasn't heard from counsel for Pharmacia and Monsanto.
589. In addition, Plaintiff offered to drop Monsanto as a defendant if the Pro Hoc Vice counsel defending Monsanto would get a visa for Saudi Arabia for a Jewish member of the NJ law firm acting locally for the Pro Hoc Vice firm. This firm has extensive contacts with Saudi Arabia and has a division there. The question is can an American law firm discriminate in terms of its business dealings and still take

advantage of our Federal Legal System. The offer is still open. But I haven't heard still.

590. Monsanto has patents in the area of monoclonals, epitopes, combinatorial and phage libraries, inter alia. Some are listed below:

591. 1 7,560,542 Nucleic acid molecule SEQ ID NO. 68811 and other molecules associated with plants

592. 2 7,557,201 Nucleic acid molecules and other molecules associated with plants

593. 3 7,553,954 Nucleic acid molecules and other molecules associated with plants

594. Monsanto's patent 1 7,560,542 titled "Nucleic acid molecule SEQ ID NO. 68811 and other molecules associated with plants" column 35 lines 20 to 33 describes an embodiment of a microarray of peptides which can be screened. This microarray is a mimic of the peptide library array in the '363 patent.

595. Claim Count II-RICO-Monsanto-

596. Monsanto's legal harassment of American farmers is both in bad taste and smacks of the days when they collaborated with Bayer right after WWII. They may have cloaked for Bayer's interests when it was with Farben IG. It will require a Court Order to into Monsanto archives to see this very strong possibility. Various American companies cloaked for German industries after WWI and during WWII. This cloaking of ownership is consider criminal by the American Military. See "War Crimes of Deutsche Bank and the Dresdner Bank, Office of Military Government (U.S.) Reports - Edited and with an Introduction by Christopher Simpson, Holmes&Meier, New York/London 2002. .

597. Plaintiff reasonably requests 3 percent royalties on all seed Monsanto sells which were manufactured and screened with monoclonal antibodies for specific markers.

598. Half of this royalty will go to a Farmer's co-op to hire lawyers to break the Monsanto pseudo legal monopoly on its seed.

599. It is remarkable that the doctrine of patent exhaustion does not apply to Monsanto seeds. Yet, it seems to apply to other recombinant creations.

600. in

601. Claim Count I- Patent Infringement- Novartis

602. Defendants Novartis Corporation, Novartis Pharmaceutical Corporation and Novartis Vaccines and Diagnostics, Inc ("Novartis") bought several NEB libraries.

603. > NOV490 NOVARTIS AGRIBUSINESS BIOTECH 2 2 600.00

604. > NOV490 NOVARTIS AGRIBUSINESS BIOTECH 2 2 600.00

605. TULARIK INC SOUTH SAN FRANCISCO CA USA 2003 E8110 \$ 255.00 1
TWC BIOSEARCH TWC BIO SHATIN HONG KONG 2000 E8120 \$ 245.00 1

606. Syngenta is a subsidiary of Novartis

607.

608. SYNGENTA RESEARCH TRIANGLE INC USA 2001 E8100 \$ 990.00 4
SYNTOX PHARMACEUTICALS INC WALTHAM MA USA 2001 E8120 \$ 350.00 1

609. Tularik is a subsidiary of Novartis

610. TULARIK INC SOUTH SAN FRANCISCO CA USA 2003 E8110 \$ 255.00 1
TWC BIOSEARCH TWC BIO SHATIN HONG KONG 2000 E8120 \$ 245.00 1

611. I traveled to Basel Switzerland to meet with Ciba-Geigy before it became Novartis in a merger with Sandoz. It was on and around 3/1/88 and 4/1/88. The meeting was arranged by Ernst Schweitzer. The following were there, Ernst Schweitzer, Bill Cash, Richard Williams and Hoeckebrot. I was told by Bill Cash, that Ciba-Geigy would willfully infringe and that there was little I could do, if they buried the lead compound in their disclosures. I said they have to tell the FDA in their "orange book" requirement of disclosure of all patents.

612. It is a remarkable aspect of our legal IP system, that copyright is enforced by the FBI as a criminal violation, while patent infringement rests on the inventor to enforce. This appears to be a discriminatory interpretation of Clause 8 of the US Constitution which did not differentiate between copyright and patents. One day I shall address this legal issue in some forum.

613. Novartis is in the field of monoclonal antibodies, epitopes, combinatorial and phage libraries. Some patents in this field are listed below.
614. 1 7,749,518 Polypeptides from non-typeable *Haemophilus influenzae*
615. 2 7,731,978 Mutant forms of streptolysin O
616. 3 7,700,359 Gene products differentially expressed in cancerous cells
617. 4 7,683,159 Tenascin-W compositions and uses thereof
618. 5 7,666,413 Method of reducing viscosity of high concentration protein formulations
619. 6 7,629,141 Essential and important genes of *Pseudomonas aeruginosa* and the use
620. thereof to design or identify antibacterial agents
621. 7 7,611,708 Methods of therapy for B-cell malignancies using antagonist anti-CD40
622. antibodies
623. 8 7,608,276 *Staphylococcus aureus* proteins and nucleic acids
624. 9 7,504,254 Methods for isolating molecular mimetics of unique *Neisseria meningitidis* serogroup B epitopes
625. 10 7,465,581 ANKTM1, a cold-activated TRP-like channel expressed in nociceptive neurons
626. 1 7,445,780 Antagonistic anti-CD40 antibodies
627. 1 7,442,784 Ligand activated transcriptional regulator proteins
628. 1 7,371,724 KAPREKY peptidomimetics and analogues thereof
629. 1 7,329,728 Ligand activated transcriptional regulator proteins
630. 1 7,288,252 Methods of therapy for B-cell malignancies using antagonist anti-CD40
631. Novartis patent 7,504,254 titled "Methods for isolating molecular mimetics of unique *Neisseria meningitidis* serogroup B epitopes" column 6 lines 55 to 65 address the size of epitopes. It states that it can be 5 amino acids, but more usually 8 to 10 amino acids. This range reads on the "about 4 to 12 amino acid" range for peptide epitopes claimed in '363.
632. Claim Count II- RICO- Novartis
633. Novartis is a combination of Ciba-Geigy and Sandoz.
634. A Swiss Commission investigated the Swiss pharmaceutical companies and their relationship to the Nazi regime before and during WWII. It published its conclusions in a book called "Schweizer Chemie unternehmen im 'Dritten Reich'". By Lukas Straumann and Daniel Wildman. There is a summary section in English.
635. "Geigy maintained particularly good relations with Claus Ungewitter, the Reich Commissioner for Chemicals and Head of the Reich Office for Chemicals...In February 1934 Geigy lodged a sworn declaration with the Nazi Party guaranteeing the "Aryan" origin of its shareholders in order to obtain a "certificate of entitlement" to supply dyes to be used for Party and official purposes. Has the Pro Hoc Vice law firm with ties to Saudi Arabia given the Saudi's a sworn declaration that no Jewish lawyers will be sent to their office in Saudi Arabia?) In the summer of 1933, the Ciba branch in Berlin replaced its Jewish Board of Directors and supervisory Board members with "Aryan Germans. In a similar move as early as April 1933, Sandoz replaced Nobel Prize laureate Richard Willstatter, the Jewish Chairman of the Supervisory Board of its German company, with an "Aryan" businessman. ..Geigy was the only company studied which participated in the "Aryanisation" of a Jewish company.?, It goes on like this ..mostly in German and Swiss Deutsch. Basically, the Swiss pharma and particularly Geigy and Sandoz were just whores. In reality, nothing has changed, but it is good to at least state the case.
636. I believe this Court has the jurisdiction to bring in these Swiss pharma under a RICO. They collaborated with the Nazi regime which is still at war with the Allies and therefore also part of the ongoing criminal conspiracy.
637. If one thinks that anything has changed, Bayer just bought back its aspirin trademark after 85 years and it is once again the largest pharma in the world.
638. Plaintiff reasonably requests a 3 percent royalty on any biologics made and sold by Novartis.
639. in

640. Claim Count I- Patent Infringement-NovoNordisk
641. NovoNordisk has a collaboration with Antyra, Inc and co-owns patent 7173005 column 40, line 50 actually cites using the NEB phage display combinatorial library.
642. See Antyra complaint section for more details.
643. RICO is moot re: NovoNordisk. The Danes stood up to the nazi occupation.
644. Plaintiff waives the 3 percent royalty on biologics for all Danish companies which stood up to the nazi occupation forces.
645. in
646. Claim Count I- Patent Infringement -Onyx
647. Onyx Pharmaceuticals ("Onyx") has patents in the area of monoclonals, epitopes, combinatorial and phage libraries. Some of them are listed below:
648. 1 6,762,284 Nucleotide sequences that encode phosphatidylinositol-3' kinase associated proteins and
649. uses thereof
650. 2 6,133,419 Nucleotide sequences that encode phosphatidylinositol-3' kinase associated proteins and
651. uses thereof
652. 3 6,017,763 G-beta-gamma regulated phosphatidylinositol-3' kinase
653. 4 5,874,273 G-beta-gamma regulated phosphatidylinositol-3' kinase
654. 5 5,869,271 G-beta-gamma regulated phosphatidylinositol-3' kinase
655. 6 5,859,201 G-beta-gamma regulated phosphatidylinositol-3' kinase
656. 7 5,856,133 G-beta-gamma regulated phosphatidylinositol-3' kinase
657. 8 5,856,132 G-beta-gamma regulated phosphatidylinositol-3' kinase
658. 9 5,756,669 P53-binding polypeptides and polynucleotides encoding same
659. Onyx's patent 1 6,762,284 titled "Nucleotide sequences that encode phosphatidylinositol-3' kinase associated proteins and uses thereof" column 21 lines 3 to 18 discuss an embodiment of tandem peptide libraries and combinatorial-chemistry derived molecular peptide libraries. This embodiment reads on the random peptide claims in the '363 patent.
660. Plaintiff reasonably requests a 3 percent royalty on biologics sold by Onyx.
661. Claim Count II- RICO- Onyx
662. Onyx collaborates with Bayer. Bayer is still a criminal organization deriving its criminal status from being part of the I.G..Farben-nazi juggernaut.
663. in
664. Claim Count I- Patent Infringement-Ortho
665. Ortho-McNeil Janssen Scientific Affairs, LLC, Ortho-McNeil Pharmaceutical, Inc., and Ortho-McNeil, Inc. ("Ortho") is a division of Johnson & Johnson. See the Centocor complaint.
666. Ortho had several patents in the area of monoclonals, epitopes, combinatorial and phage libraries. Some are listed below:
667. 1 7,560,112 Anti-il-6 antibodies, compositions, methods and uses
668. 2 7,547,767 Growth arrest specific gene 6 peptides, antibodies, compositions, methods and uses
669. 3 7,452,708 Human PRSS11-like S2 serine protease and uses thereof
670. 4 7,157,248 CDNA encoding the human .alpha.2 .delta.4 calcium channel subunit
671. 5 7,132,523 Human PRSS11-Like S2 serine protease and uses thereof
672. Ortho's patent 7,560,112 titled "Anti-il-6 antibodies, compositions, methods and uses" is co-assigned with Applied Molecular Evolution, who takes a license on the '363. The '112 patent column 11, lines 1 to 14 discuss antibody screening of displayed peptide libraries with amino acid lengths that are "often from about 8 to 25 amino acids long.. This range overlaps the "about 3 to 12 amino acid" claims of the '363.
673. Claim Count II-RICO-Ortho. This is moot.
- 674.
675. Claim Count I- Patent Infringement-Osi

676. Osi has bought NEB libraries.
677. Osi Pharmaceuticals, Inc. has patents in the area of monoclonals, epitopes, combinatorial and phage libraries. Some listed are:
678. 1 7,524,638 Methods for identification of modulators of OSGPR114 or OSGPR78 activity, and their use in the treatment of disease
679. 2 7,144,711 AGS proteins and nucleic acid molecules and uses therefor
680. 3 6,746,852 AGS proteins and nucleic acid molecules and uses thereof
681. 4 6,733,991 AGS proteins and nucleic acid molecules and uses thereof
682. Osi's patent 7,524,638 titled "Methods for identification of modulators of OSGPR114 or OSGPR78 activity, and their use in the treatment of disease" column 10 lines 11 to 14 reads as follows:
- Thus, an agent may be selected from combinatorial libraries, defined chemical entities, peptide and peptide mimetics, oligonucleotides and natural product libraries, and other entities such as display (e.g. phage display libraries) and antibody products. In one embodiment, the test agent is an LPA, or a
683. This reads directly on the '363 patent.
684. Count Claim II- RICO-Osi- Issue moot.
685. in
686. in
687. Count Claim I-Patent Infringement- Perkin Elmer
688. Perkin Elmer Holdings Inc ("Perkin Elmer") is an instrumentation company predominantly and collaborates with those who are infringing in the '363 patent.
689. Whereas,, "Perkin-Elmer's Tropix and Ontogeny Announce Drug Screening Agreement: Tropix to Perform High-Throughput Screening of Combinatorial Libraries"; and,
690. Whereas, Ontogeny has filed patents on combinatorial chemistry and the use of combinatorial libraries, *inter alia*. One such patent 6,197,945 is for the synthesis of homologues of insulin promoting factor Ipfl "Such techniques have been employed in the directed evolution of other proteins (see, for example, Scott et al. (1990) Science 249:386-390; Roberts et al. (1992) PNAS 89:2429-2433; Devlin et al. (1990) Science 249: 404-406; Cwirla et al. (1990) PNAS 87: 6378-6382; as well as U.S. Pat. Nos.: 5,223,409, 5,198,346, and 5,096,815)"
691. Whereas this Ontogeny patent also suggests a selection procedure for Ipfl using monoclonal antibodies as suggested in Plaintiff's Amicus Curiae brief (Exhibit F) and the pair of antigen-antibody as a selection and identification method as described in '363, "For instance, a favored anti-*Ipfl* antibody of the present invention does not substantially cross react (i.e. react specifically) with a protein which is less than 90 percent homologous to SEQ ID No: 2; though antibodies which do not substantially cross react with a protein which is less than 95 percent homologous with SEQ ID No: 2, or even less than 98-99 percent homologous with SEQ ID No: 2, are specifically contemplated. By "not substantially cross react", it is meant that the antibody has a binding affinity for a non-homologous protein (e.g. other insulin promoter-binding proteins such as IEF2, as well as other homeobox proteins which do not bind the insulin promoter) which is at least one order of magnitude, more preferably at least two orders of magnitude and even more preferably at least 3 orders of magnitude less than the binding affinity for a protein represented by SEQ ID No: 2."
692. Whereas, specification descriptions of the invention state "Another application of the subject antibodies is in the immunological screening of cDNA libraries constructed in expression vectors such as .lambda.gt11, .lambda.gt18-23, .lambda.ZAP, and .lambda.ORF8"; and,
693. Whereas, as the *Ipfl* protein and its epitope and antibody pair have been made, as just described above, then that pair infringes claims in the '363 patent, particularly, claims, 77-79, *inter alia*.

694. Claim Count II- RICO- Perkin-Elmer- Moot
695. in
696. Claim Count I-Patent Infringement-Pharmacia
697. Pharmacia & Upjohn Company LLC and Pharmacia Corporation (Pharmacia) has had many identities of the years. There is a Pharmacia which was formally a Pharmacia. The issue again is whether this Pharmacia is covered under the agreement Plaintiff had with Pfizer. This will need to be resolved by opposing counsel and Plaintiff or by mediation with the Court.
698. I have made a request with opposing counsel to present to Pedro Cuatrecasas and Meir Wilchek, who I met over 15 years ago at Park Davis-Warner Lambert, which is now part of Pfizer. Bruce Merrifield told me that he nominated Pedro, Meir and myself for a Nobel, covering Affinity chromatography to Combinatorial Chemistry.
699. Pharmacia has the following patent applications in the area of monoclonals, epitopes, combinatorial and phage libraries:
700. 1 20090117103 M-CSF Antibody compositions Having Reduced Levels of Endotoxin
701. 2 20080241961 DROSOPHILA G PROTEIN COUPLED RECEPTORS, NUCLEIC ACIDS, AND MEHTODS RELATED TO THE SAME
702. 3 20050074808 G protein-coupled receptor expressed in brain
703. 4 20040091928 G protein-coupled receptors expressed in brain
704. Pharmacia's patent application 3 20050074808 titled "G protein-coupled receptor expressed in brain" in paragraph 052 and 089 discuss both antibody and peptide combinatorial phage display libraries as necessary methods for identifying brain receptors. This reads on the combinatorial libraries claimed in the '363.
705. Claim Count II- RICO -Pharmacia- This count is moot
706. in
707. Claim Count I- Patent Infringement-Qiagen
708. Qiagen Incorporated ("Qiagen") has patents applications f monoclonals, epitopes, combinatorial and phage libraries. Some are listed below
709. 1 20100159463 FAST RESULTS HYBRID CAPTURE ASSAY AND SYSTEM
710. 2 20100105060 FAST RESULTS HYBRID CAPTURE ASSAY ON AN AUTOMATED PLATFORM
711. 3 20100099191 RNA INTERFERENCE TAGS
712. 4 20100036104 DETECTION OF NUCLEIC ACIDS BY TARGET-SPECIFIC HYBRID CAPTURE METHOD
713. 5 20090306177 Modulation of Immunostimulatory Properties of Short Interfering Ribonucleic Acid (Sirna) by Nucleotide Modification
714. 6 20090298187 COMPOSITIONS, METHODS, AND KITS USING SYNTHETIC PROBES FOR DETERMINING THE PRESENCE OF A TARGET NUCLEIC ACID
715. 7 20030077595 Methods and compositions for enhancing sensitivity in the analysis of biological-based assays
716. Qiagen's patent application 20030077595 titled "Methods and compositions for enhancing sensitivity in the analysis of biological-based assays'paragraph 0146 relates to combinatorial libraries.both chemical and recombinant and their application to creating enhanced sensitivity for biological assays. This reads on the combinatorial library claims in '363.
717. Claim Count II- RICO-Qiagen- Moot
718. in
719. Claim Count I and II -Patent Infringement and RICO- Sanofi-Aventis
720. This has been addressed in the Aventis complaint section.
721. in
722. Claim Count I- Patent Infringement-Schering Berlin, Inc
723. Schering Berlin, Inc ("Schering Berlin") has patents in the area of monoclonals, epitopes, phage and combinatorial libraries: Some are listed below.
724. 1 7,622,457 Polynucleotides encoding anticoagulant fusion proteins

725. 2 7,622,292 Regulation of human transmembrane serine protease
726. 3 7,622,122 Methods of using novel tissue factor targeted thrombomodulin fusion proteins as anticoagulants
727. 4 7,579,000 Tissue factor targeted antibodies as anticoagulants
728. 5 7,538,205 Regulation of human prostatic-like serine protease
729. 6 7,390,481 Mammalian cytokine complexes
730. 7 7,307,154 DNA encoding a novel RG1 polypeptide
731. 8 7,250,168 Tissue factor targeted thrombomodulin fusion proteins as anticoagulants
732. 9 7,229,813 Everninomicin biosynthetic proteins
733. 10 7,183,382 Mammalian genes; related reagents and methods
734. 11 7,090,847 Mammalian cytokines; related reagents and methods
735. 12 6,878,528 polynucleotides encoding a mammalian Langerhans cell antigen
736. 13 6,861,513 Everninomicin biosynthetic genes
737. 14 6,800,460 Mammalian cytokine complexes
738. 15 6,682,902 DNA encoding a novel RG1 polypeptide
739. 16 6,475,718 Methods and compositions for modulating the interaction between the APJ receptor and the HIV virus
740. 17 5,864,018 Antibodies to advanced glycosylation end-product receptor polypeptides and uses therefore
741. Schering Berlin patent 4 7,579,000 titled "Tissue factor targeted antibodies as anticoagulants" column 6 line 60 defines an epitope as
Typically, at least 6, 8, 10, or 12 contiguous amino acids are required to form an epitope. However, epitopes which involve
742. This falls right in the peptide size range claimed in the '363 for antibody epitopes.
743. Count II-RICO-Schering Berlin
744. Schering Berlin is part of Bayer. Bayer was part of I.G. Farben. I.G. Farben was the main financial backer for the Nazi party. It also instigated the use of slave labor for its Buna factory and a synthetic oil operation at Auschwitz. After 11 million killed, some rubber was made but no oil. Clearly, somehow Bayer missed the point. Yet, even now it is one of the largest pharmaceutical houses in the world.
745. There is no peace treaty signed between Germany and the Allies, therefore, no immunity from prosecution and, ergo, it is still a criminal organization.
746. Plaintiff is very ambivalent about taking royalties from Bayer. Plaintiff leaves it to the Court for an appropriate remedy.
747. in
748. Claim Count I- Patent Infringement- Schering Plough.
At issue is whether Schering-Plough which is now a part of Merck will nunc pro tunc fall under agreements made with Merck prior to its acquisition.
This will need to be decided by mediation by the Court.
749. Schering-Plough Products, Inc., Schering Corporation, Schering-Plough Biopharma, and Schering-Plough International, Inc. ("Schering") has patents in the area of monoclonals, epitopes, combinatorial and phage libraries. Some are listed below:
750. 1 7,718,772 Canine thymic stromal lymphopoietin protein and uses thereof
751. 2 7,696,317 Mammalian genes; related reagents and methods
752. 3 7,670,603 Human DNAX toll-like receptor 4 proteins, related reagents and methods
753. 4 7,659,093 DAP12 nucleic acids
754. 5 7,608,690 IL-B30 antibodies
755. 6 7,579,440 Mammalian cytokines; related reagents
756. 7 7,560,533 Binding compounds specific for cysteine-rich soluble protein C23
757. 8 7,422,742 Methods for using human monoclonal antibodies to interleukin-5
758. 9 7,390,481 Mammalian cytokine complexes
759. 10 7,271,248 Human receptor proteins; related reagents and methods
760. 11 7,183,382 Mammalian genes; related reagents and methods

762. 12 7,141,653 Human monoclonal antibodies to interleukin-5
 763. 13 7,090,847 Mammalian cytokines; related reagents and methods
 764. 14 6,878,528 Polynucleotides encoding a mammalian Langerhans cell antigen
 765. 15 6,835,825 Method for detecting IL-B30 polynucleotides
 766. 16 6,800,460 Mammalian cytokine complexes
 767. 17 6,495,667 Il-b30 antibodies
 768. 18 6,479,634 IL-B30 proteins
 769. 19 6,423,500 Mammalian receptors for interleukin-10
 770. 20 6,271,014 Mammalian proteinases; related reagents and methods
 771. 21 6,060,284 DNA encoding interleukin-B30
 772. 22 5,985,828 Mammalian receptors for interleukin-10 (IL-10)
 773. 23 5,789,192 Mammalian receptors for interleukin-10 (IL-10)
 774. Schering's patent 7,422,742 titled "Methods for using human monoclonal antibodies to interleukin-5 " column 23 line 64 and column 24 line 26 address phage display libraries as methods to make antibodies and binding peptides.
 775. Claim Count II- RICO-Schering Plough- Moot
776. Claim Count I-Patent Infringement-Shionogi
 777. Shionogi Pharma Sales, Inc., Shionogi Pharma, Inc., Shionogi USA Holdings, Inc., and Shionogi USA, Inc ("Shionogi") has purchased NEB combinatorial phage display libraries.
- | | | | | |
|------|----------------------------------|---|---|--------|
| 778. | SHI445 SHIONOGI BIORESEARCH CORP | 1 | 1 | 360.00 |
| | SHI445 SHIONOGI BIORESEARCH CORP | 2 | 2 | 600.00 |
779. Shionogi has patent applications in the area of monoclonal, epitope, combinatorial and phage libraries. Some are listed below
 780. 1 20090263858 Process for synthesis of mucin-type peptides and muc1-related glycopeptides
 781. 2 20090111098 REPORTER GENE ASSAY
 782. 3 20050074861 Human secretory type phospholipase A2
 783. 4 20020025559 Monoclonal antibody recognizing C-terminus of hBNP
 784. Shionogi has patents in the area of monoclonal, epitopes, combinatorial and phage libraries. They are listed below.
 785. 1 7,371,818 Polypeptide and DNA thereof
 786. 2 6,967,095 Human secretory type phospholipase A2
 787. 3 6,872,557 Gene encoding novel human secretory phospholipase A2
 788. 4 6,756,219 Human secretory type phospholipase a2
 789. 5 6,677,124 Monoclonal antibody recognizing C-terminus of hBNP
 790. 6 5,910,416 Adrenomedullin
 791. 7 5,859,203 Monoclonal antibodies for N-peptide
 792. 8 5,830,703 DNA encoding adrenomedullin
 793. 9 5,827,674 Hybridoma producing a monoclonal antibody for N-peptide
 794. 10 5,639,855 Adrenomedullin
 795. 11 5,583,005 Immunoassay for human IgE
 796. 12 5,478,926 Monoclonal antibody against human IgE
 797. 13 5,124,264 Monoclonal antibody recognizing atrial natriuretic polypeptide
 798. Shionog's patent 6,677,124 titled "Monoclonal antibody recognizing C-terminus of hBNP" column 13, claim 1 is a 6 amino acid sequence epitope.
 799. This is in the middle of the claimed ranges for antibody epitopes in the '363 patent.
 800. Claim Count II- RICO-Shionogi-Moot
 801. in
 802. Claim Count I-Patent Infringement- Siemens
 803. Siemens Corporation, Siemens Diagnostics Finance Co. LLC, Siemens Healthcare Diagnostics Inc. and Siemens Medical Solutions USA, Inc., ("Siemens") has patents

in the area of monoclonals, epitopes, combinatorial and phage libraries. Some are listed below.

806. 1 7,668,661 Liver disease-related methods and systems
807. 2 7,622,558 Antibodies which are directed against the Marburg I polymorphism of factor VII-activating protease (FSAP), and their preparation and use
808. 3 7,541,149 Monoclonal antibody and assay for detecting PIINP
809. 4 7,507,549 Method for following the progress of prostate cancer
810. 5 7,473,534 Assays for cancer patient monitoring based on levels of epidermal growth factor receptor (EGFR) extracellular domain (ECD) analyte, alone or in combination with other analytes, in body fluid samples
811. 6 7,419,665 Monoclonal antibodies for detection of urinary trypsin inhibitors
812. 7 7,368,533 Polypeptide autoantigens associated with endometriosis
813. 8 7,319,041 Applications of acridinium compounds and derivatives in homogeneous assays
814. 9 7,309,615 High quantum yield acridinium compounds and their uses in improving assay sensitivity
815. Siemen's patent 7 7,368,533 titled "Polypeptide autoantigens associated with endometriosis" column 2 line 29 reads:

In one aspect this invention provides a recombinant polynucleotide comprising a nucleotide sequence encoding a polypeptide epitope of at least 5 amino acids of Repro-
EN-1.0 (SEQ ID NO:2), or IB1 (SEQ ID NO:4) wherein the epitope specifically binds to antibodies from subjects diagnosed with endometriosis. In one embodiment the nucle-
816. Five amino acids for an epitope falls right in the range of the peptide epitope claims of the '363 patent.
817. Plaintiff reasonably requests a 3 percent royalty on all biologics identified with combinatorial libraries.
818. Claim Count II-RICO-Siemens
819. Siemens was also involved with the nazi regime and it Aryanization policies
820. Claim Count I- Patent Infringement-Solvay
821. Solvay Chemicals, Inc. and Solvay Pharmaceuticals, Inc. ("Solvay")
822. Solvay has patents in the area of monoclonals, epitopes, combinatorial and phage libraries. Some are listed below.
823. 1 7,312,321 Antibody to human enzymes of the metalloprotease family
824. 2 7,189,525 Human enzymes of the metalloprotease family
825. 3 7,083,965 Human enzymes of the metalloprotease family
826. 4 6,855,532 Human enzymes of the metalloprotease family
827. 5 5,874,267 Expression of surface layer proteins
828. 6 5,187,080 DNA encoding an antigenic protein derived from Eimeria tenella and vaccines for prevention of coccidiosis caused by Eimeria tenella
829. 7 5,028,694 Antigenic proteins and vaccines containing them for prevention of coccidiosis caused by Eimeria necatrix and Eimeria tenella.
830. Solvay's patent 5,874,267 titled "Expression of surface layer proteins" column 12 line 18 discusses antibodies and peptide libraries. This reads on the '363 claims.
831. Claim Count II-RICO-Solvay-Moot
832. Claim Count I-Patent Infringement- Syngenta
833. Syngenta Crop Protection, Inc. and Syngenta Seeds, Inc. ("Syngenta")
834. Syngenta bought NEB libraries.
835.

DATE	BUYER	RESEARCHER	PLANT	UNIT	USA	2001	EB100	\$	990.00	1
SYNGENTA	RESEARCH TRIANGLE	NC	USA	2001	EB100	\$	990.00	1		
SYNTOX PHARMACEUTICALS INC	WALTHAM	MA	USA	2001	EB120	\$	350.00	1		
836. Syngenta has patents in the field of monoclonals, epitopes, combinatorial and phage libraries. Some are listed below:
- 837.

- 838. 1 7,378,510 Synthetic zinc finger protein encoding sequences and methods of producing the same
- 839. 2 7,151,201 Methods and compositions to modulate expression in plants
- 840. Syngenta's patent 7,378,510 titled "Synthetic zinc finger protein encoding sequences and methods of producing the same" column 2 lines 21 to 26 relate to combinatorial libraries to construct zinc fingers.
- 841. Syngenta is derived from both Novartis and AstraZeneca.
- 842. Plaintiff asks for 3 percent of seed sales of seed sequences selected by combinatorial methods.

- 843. Count ClaimI- Patent Infringement-Taiho
- 844. Taiho PharmaU.S.A , Inc.("Taiho") has patents in the area of monoclonals, epitopes,combinatorial and phage libraries. See below.
- 845. 1 6,927,035 Antiuracil monoclonal antibody
- 846. 2 6,569,634 Method for assaying human thymidylate synthase and assay kit
- 847. 3 6,500,932 Antihuman thymidylate synthase monoclonal antibodies and hybridomas producing the
- 848. same
- 849. 4 6,365,610 Ozonide compounds with inhibitory activity for urokinase production and angiogenesis
- 850. 5 6,034,234 Double-stranded oligonucleotide and anticancer agent containing the same as active
- 851. ingredient
- 852. 6 5,869,246 Triplex Oligonucleotides targeted to p120
- 853. 7 5,798,213 Monoclonal antibodies
- 854. Taiho's patent 5,798,213 titled "Monoclonal antibodies" column 11 claim 1is a binding pair of monoclonal and epitope. This pair is claimed within the universe of monoclonal antibody-peptide pairs claimed in the '363 patent
- 855. Taiho patent application have similar claims.
- 856. in
- 857. Claim Count I-Patent Infringement-The Dow
- 858. 'Refer this to the Corning Complaint as it is Dow-Corning.
- 859. Claim Count I-Patent Infringement-Wyeth
- 860. This is again an issue of nunc pro tunc on a contract with Pfizer.
- 861. Wyeth has many patents in the area of monoclonals, epitopes, combinatorial and phage libraries. A representative set is given below.
- 862. 1 7,745,164 Methods of modulating apoptosis using inhibitors of brain-localized protein kinases
- 863. homologous to homeodomain-interacting protein kinases
- 864. 2 7,731,946 Methods and compositions for modulating T helper (T.sub.H) cell development and
- 865. function
- 866. 3 7,704,503 Use of IL-17F in diagnosis and therapy of airway inflammation
- 867. 4 7,700,301 Methods for screening for compounds that modulate PD-1 signaling
- 868. 5 7,700,101 Reagents and method for modulating Dkk-mediated interactions
- 869. 6 7,667,020 Composition and method for treating lupus nephritis
- 870. 7 7,655,763 Neutralizing antibodies against GDF-8 and uses therefor
- 871. 8 7,648,963 Molecules of the PYRIN/NBS/LRR protein family and uses thereof
- 872. 9 7,638,482 Protein kinase C zeta as a drug target for arthritis and other inflammatory diseases
- 873. 10 7,635,473 Anti A.beta. antibody formulation
- 874. 11 7,618,632 Method of treating or ameliorating an immune cell associated pathology using GTR
- 875. ligand antibodies
- 876. 13 7,611,839 Methods for diagnosing RCC and other solid tumors

877. Wyeth's patent 7,615,213 titled "Antibodies against human interleukin-13 and pharmaceutical compositions thereof" column 26 line 47 discusses an epitope for IL-13 that is 7 amino acids long. This is in the epitope peptide range of the '363 patent.
878. in
879. Claim I-Patent Infringement-Zymogenetics
880. Zymogenetics, Inc and Zymogenetics LLC ("Zymogenetics") has many patents in the area of monoclonals, epitopes, combinatorial and phage libraries:
881. A recent group are given below:
882. 1 7,691,981 Growth factor homolog zveg3
883. 2 7,691,610 Human zven polynucleotides
884. 3 7,691,585 Human Zven polypeptides
885. 4 7,667,000 Antibodies to Zcytor 16
886. 5 7,662,641 Method of using Zven antibodies
887. 6 7,658,920 Method of inhibiting the activity of growth factor homolog ZVEGF3
888. 7 7,642,345 Polynucleotides encoding human cytokine receptor
889. 8 7,641,899 Methods for inhibiting IL-TIF-induced proliferation of hematopoietic cells using the cytokine receptor Zcytor16
890. 9 7,638,602 Human cytokine receptor
891. 10 7,629,445 Isolated nucleic acid sequence comprising SEQ ID NO: 14 and methods of using said nucleic acid sequence
892. 11 7,622,116 Method of treating inflammation using soluble IL-17RCX4
893. Zymogenetic's patent 7,691,610 titled "Human zven polynucleotides" column 29 line 43 states that "epitopes can be selected by phage display of random peptide libraries". This is patent '363.

PRAYER FOR RELIEF

Plaintiff requests that: Judgment be entered that Defendants have infringed the '363 Patent;

A temporary injunction, where requested, to be issued pursuant to 35 USC 271 (e)(4)(B) restraining and enjoining said defendant, its officers, agents, attorneys and employees, and those acting in privity or concert with it, from engaging in the commercial manufacture, use, offer to sell, or sale within the United States, or importation into the United States of any products produced according to defendant's patents, or to license defendant's patents anywhere in the world.

Damages for past infringement;

For such other and further relief as the Court may deem proper under the circumstances.

Plaintiff demands a trial by jury.

Dated: July 26
, 2010



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I, hereby, certify that an email copy of the above amended complaint was sent July 26, 2010 to the following with a hard copy sent by first class mail :

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